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THE

PAPERS OF ARCHIBALD D. MURPHEY

EDITED BY

WILLIAM HENRY HOYT, A.M.

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VOLUME I

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PREFACE.

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The remarkable development of the public school system of North Carolina, the revival of old projects for improving and extending the State's inland waterways, and the unparalleled growth of interest in North Carolina history, have lately directed attention to Archibald Debow Murphey. In the first quarter of the last century Murphey won for himself the titles of "father of the public schools of North Carolina," "father of internal improvements in North Carolina," and "first native historian of North Carolina." He was also the projector of the first geological work done under government auspices in America. In each of his varied fields of activity, as legislator, lawyer, judge, teacher, and writer, he was eminent.

Murphey expressed in an admirable manner the new spirit of patriotism and progress which at the close of the War of 1812 impelled statesmen in all parts of the Union to build the material foundations of future prosperity and happiness. Governor William A. Graham pronounced his public papers "the noblest monuments of philosophic statesmanship to be found in our archives since the days of the Revolution." The chief measures he advocated, his educational and transportation systems, failed. Like some of his favorite private undertakings, such as his proposed history of North Carolina, they were too comprehensive and bold to succeed. The State had never given appreciable aid to education, except to the State University, and transportation facilities were left entirely to private enterprise. Legislation had rarely been concerned with anything but the bare preservation of life, liberty, and property, taxation for any other purpose being considered contrary to the principles of republican government. The General Assembly was the scene of a continuous strife between what was known as the East and the West, which made united effort for progress almost impossible. Murphey gave a much-needed stimulus to public spirit and enterprise and inaugurated a new era in the fiscal policy of the State; but he was in advance of his age, a prophet and teacher to his generation. His plan of public instruction became the model for the system established in 1840,

the best in the South before the Civil War. His scheme of internal improvements lost its utility in many respects at the dawn of the railroad era, but some of its principal features have recently been brought forward again.

The numerous recent narratives of Murphey's ill-starred career tell little more than Graham told fifty years ago in a brief memoir published in the *North Carolina University Magazine,* and the attempts of two men to write his biography were abandoned for lack of materials. The present volumes owe their publication to a singular coincidence. In the early part of 1904 I met with Graham's excellent memoir, and the same day on which I read it the advertisement of a New York autograph dealer attracted my attention. Having learned from the memoir that as an epistolary writer Murphey had no equal among his contemporaries in North Carolina, and that he collected materials, which seemed to be lost, for a history of the State, I wrote to the autograph dealer. His reply was almost incredible. Fifteen years earlier, it appeared, he found the bulk of Murphey's private papers in a garret near Hillsboro, N. C. I purchased all that remained in his possession. When Murphey died in Hillsboro, in 1832, his papers passed to Dr. Victor Moreau Murphey, his son, who, upon his removal to Mississippi three years later, left them in the care of a relative in whose garret they were subsequently found. On August 26, 1835, Governor David L. Swain wrote George Bancroft, the historian: "The most extensive and valuable collection of papers owned by any private individual belongs to Doct. Murphey, son of the late Judge Murphey, who was engaged until shortly before his death in writing a history of the State, which, however, will never be completed." Ten years afterwards Swain and Graham procured nearly all of the historical papers for the Historical Society of the University of North Carolina. Few of those manuscripts can now be found, but fortunately some were published in the *North Carolina University Magazine* during the fifties, when they were in Swain's possession. Swain, who was at that time president of the University, kept the Historical Society's collections with his own and failed to mention them in his will. His widow claimed them, sold many valuable autographs, and ultimately surrendered a large number to the State and the University.

The first of these two volumes consists almost entirely of correspondence hitherto unpublished. The second contains Murphey's most important public papers and also miscellaneous writings and materials collected for his proposed history of North Carolina. A chronological list of the letters and documents now published will be found in the first volume.

The period of North Carolina history covered by Murphey's active life has not been adequately treated by any writer, although there are excellent monographs on two or three important movements of the period. For this reason I have made as full as practicable the notes to his correspondence and other papers here printed.

In transcribing manuscripts for the press I have been guided by the "Suggestions for the printing of documents relating to American history" contained in the *Annual Report of the American Historical Association for 1905*, page 45, bearing in mind that the end to be achieved is the printing of the manuscript in the form which it would have borne if the author had contemporaneously put it into print. All of the papers printed are autograph letters or documents, signed by the writer, except those otherwise described in the footnotes or stated to be derived from a printed source. The initials "M. MSS." placed at the right of the heading of a letter indicates that the original letter is in the collection of Murphey MSS. in my possession; the initials "Ruffin MSS." mean the papers of Chief Justice Thomas Ruffin, owned by his family; and the initials "Univ. MSS." mean the collections of the University of North Carolina.

For suggestions, criticism, and numerous old pamphlets here reprinted or cited I owe a special debt of gratitude to Col. Bennehan Cameron, of Raleigh and Stagville, who has manifested the greatest interest in this work. The late Allen J. Ruffin of Hillsboro gave me access to the papers of Chief Justice Thomas Ruffin, in which I found several hundred letters and papers of Murphey. From Dr. William M. Polk of New York and the late Col. Henry C. Yeatman of Ashwood, Tenn., I obtained Murphey's letters to Col. William Polk; and the late Robert W. Haralson gave me many letters to Capt. Herndon Haralson. Miss Adelaide L. Fries of Winston and Dr. Stephen

B. Weeks of Greensboro kindly contributed the letters to Rev. Theodore Shulz and Willie P. Mangum. Mr. R. D. W. Connor, Secretary of the North Carolina Historical Commission, assisted me in searching through the public archives at Raleigh, and my best thanks are due to him. For further aid in collecting materials my acknowledgments are due to Dr. Stephen B. Weeks, Dr. Kemp P. Battle, Dr. J. G. de Roulhac Hamilton, and Dr. Archibald Henderson of the University of North Carolina; Dr. William K. Boyd of Trinity College, Durham, Mr. Frank Nash of Hillsboro, and Mr. Charles Allen Butler of New York. W. H. H.

NEW YORK, July 1, 1912.

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[1]MEMOIR

OF

HON. ARCHIBALD D. MURPHEY,

LATE A JUDGE OF THE SUPERIOR COURT OF NORTH CAROLINA.

BY HON. WILLIAM A. GRAHAM, LL.D.

ARCHIBALD D. MURPHEY, whose portrait[2] appears on our frontispiece, was in the generation immediately preceding our own one of the most eminent characters in North Carolina. In many attributes of a statesman and philosopher he excelled all his contemporaries in the State, and in every department of exertion to which his mind was applied he had few equals or seconds. As an advocate at the bar, a judge on the bench, a reporter of the decisions of our highest court of justice, a legislator of comprehensive intelligence, enterprize and patriotism, a literary man of classic taste, attainments and style in composition, his fame is a source of just pride to his friends and his country. But for the paucity of our information, and the pressure of time and circumstances in the preparation of this notice, it would be a labor of love to review his earlier years, and trace the developments and progress of his career in youth. Neither materials nor leisure for this topic, however, are now at our command.

His father, Colonel Archibald Murphey, was a conspicuous

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[1]From the *North-Carolina University Magazine*, X. (1860-61), 1-12. William Alexander Graham (1804-1875), son of Gen. Joseph Graham, A.B., Univ. of N. C., 1824, LL.D., 1849, studied law under Judge Ruffin and settled in Hillsboro. He was a member of the House of Commons, 1833-37, 1838-40, and its speaker, 1838-40; U. S. Senator, 1840-43; Governor, 1845-1849; Secretary of Navy, 1850-52; Whig candidate for Vice President, 1852; State Senator, 1854-1855, 1862-64; member of the state secession convention of 1861; C. S. Senator, 1864. He was elected to the U. S. Senate in 1866, but was not allowed to take his seat.—*Publications of the N. C. Historical Commission, Bulletin No. 7* (1910).

[2]A mezzotint by John Sartain. The frontispiece of this volume is a reproduction of it.

citizen of the county of Caswell, and bore a part in the military service in the War of the Revolution for which the citizens of that county and especially of his vicinity were greatly distinguished. The residence of his father was about two miles from Red House in the congregation of the Rev. Mr. M'Aden,[1] a Presbyterian minister, whose son, the late Dr. John M'Aden, married the daughter of Colonel Murphey, by whom he left descendants who still survive. At this place, some seven miles from Milton, Archibald DeBow Murphey, the subject of our memoir, was born, we believe, in the year 1777.[2] Of the other children of his parents there were two brothers and four sisters.[3] His education, preparatory to admission into the infant University of the State at Chapel Hill, was received in the school of the Rev. Dr. David Caldwell, of Guilford county. Of the opportunities for education during his youth, Mr. Murphey himself informs us that before the University went into operation, in 1795, there were not more than three schools in the State in which the rudiments of a classical education could be acquired, and that the most prominent and useful of these was that of Dr. Caldwell—that the deficiency of books for literary instruction, except in the libraries of a few lawyers in the commercial towns, was still greater, and by way of illustration he relates that after completing his course of studies under Dr. Caldwell he spent nearly two years without finding any books to read except some old works on Theological subjects, and that then chance threw in his way Voltaire's History of Charles XII. of Sweden, an odd volume of Roderick Random, and an abridgment of Don Quixote. These constituted his whole stock of literary furniture when he entered College in 1796. When we remember that he afterwards became capable of writing like Goldsmith, and with an ease and rapidity that Goldsmith could not have equalled, we can but recall these reminiscences of earlier times and encourage the diligent student by his example. With a mind delighted by a consciousness of advancement in

[1]Hugh McAden.

[2]Gov. Graham's indecisive statement is the only direct evidence of the date of Murphey's birth to be found.

[3]The names of Col. Murphey's children, in the order of their birth, were Alexander, Mary, Elizabeth, Archibald Debow, John Greene, Nancy, and Lucy.

knowledge, and spirit of emulation, he profited greatly by three years of study in the University, and graduated with the highest distinction in 1799.

Such was the reputation acquired by him in this period that he was at once appointed to the Professorship of Ancient Languages in his *Alma Mater*—a situation in which he continued the three succeeding years,[1] and in which he matured that scholarship and taste for liberal studies which so much distinguished him among his professional brethren and the educated gentlemen of the State. His admission to the bar took place in 1802 after a course of professional reading so limited that the first Judge to whom he applied (the signatures of two being then necessary for a license,) refused to examine him; and (as he was accustomed to amuse his friends by relating) his success, only a few months later, in gaining admission to the practice in all the courts at once, was owing to the good fortune of bearing a letter from a friend, at the succeeding term of the Court of Conference, to one of the Judges, a gentleman of proverbial benevolence and kindness, who conducted the examination, or interview, in his own chamber, and procured the signatures of his brethren without so much having been requested or expected—so little strictness was observed towards the few applicants then entering the profession.

But if he was allowed admission *ex gratia*, and without the requisite amount of learning, he was not long in supplying the deficiency. The powers of mind and eagerness in quest of knowledge, which had been exhibited in his scholastic studies, enabled him to make rapid progress in the Law. His professional studies were directed by William Duffey, Esq., an eminent lawyer, then residing in Hillsboro', to whom he was ever afterwards affectionately attached, and to whose memory he paid a grateful tribute among his sketches of public and professional men of North Carolina, in an oration before the Literary societies of the University in his latter years. Mr. Murphey advanced rapidly to the first rank of the advocates of his day—and notwithstanding his turning aside, to the indulgence of his tastes for general literature, his enlightened

[1] He was tutor of all work, 1799-1800, and professor of languages, 1800-1801.

labors and bright career in legislation, his promotion and service on the Bench for two years, his decayed health and irregular attendance on the Courts in his latter days, he maintained this position in the public estimation, even to the end of his life. When it is remembered that among his competitors at one time or another for more than a quarter of century, were Archibald Henderson, Cameron, Norwood, Nash, Seawell, Yancy, Ruffin, Badger, Hawks, Mangum, Morehead, and others, it must be admitted that he was at a bar, where the remark of Pinckney that "it was not a place where a false and fraudulent reputation for talents can be maintained" was fully justified. His practice for many years was not exceeded by that of any gentleman in the State, and his success corresponded with its extent. Both his examination of witnesses and argument of causes before juries on the circuit could not be excelled in skilfulness. He had a Quaker-like plainness of aspect, a scrupulous cleanness and neatness in an equally plain attire, an habitual politeness, and a subdued simplicity of manner which at once won his way to the hearts of juries, while no Greek dialectician had a more ready and refined ingenuity or was more fertile in every resource of forensic gladiatorship. His manner of speaking was never declamatory or in any sense boisterous—but in the style of earnest and emphatic conversation; so simple and apparently undesigning that he seemed to the jury to be but interpreting their thoughts rather than enunciating his own, yet with a correctness and often elegance of diction which no severity of criticism could improve. A pattern of politeness in all his intercourse, public and private, he could torture an unwilling or corrupt witness into a full exposure of his falsehood, and often had him impaled before he was aware of his design; and no advocate had at his command more effective raillery, wit and ridicule to mingle with his arguments. Many of his speeches in the *Nisi Prius Courts* are still recollected among the profession and the people of middle age in the fourth circuit, and are spoken of with great admiration. One of the last of these in which, though he was then broken down by misfortune and enfeebled by disease, the fires of his genius and eloquence shone out in the lustre of his palmiest days, was made in the case of Burrow v. Worth in the Superior Court of Randolph in

1830 or 1831. It was an action for a malicious prosecution against Dr. David Worth, a prominent physician, charging him with having falsely and maliciously caused the plaintiff, Burrow, to be presented for the murder of one Carter, of whose wife it was pretended he was the paramour. The plaintiff sought to show that not only was the accusation against him false, but that Worth was himself accessory to the murder which he alleged had been committed by the wife of Carter, by poison, which he (Worth) had furnished to her for that purpose, with the guilty motive on his own part which he attributed to the plaintiff; and he supported his complaint with a well combined scheme of perjury and fraud which it required no ordinary skill and courage to baffle. His chief witness was a married woman who was found to be a member of a church, whose general character was vouched by her acquaintances to be good, and who deposed in the plaintiff's examination to a conversation between Worth and the wife of Carter, in which it was agreed that for a base motive he would provide her with arsenic with which she should poison and take the life of her husband. It was further shown, and this was true, that Worth had attended the deceased as a physician at the time of the alleged conspiracy against his life, so that the opportunity, at least, was not wanting. Such was the aspect worn by the case when this witness was tendered to Mr. Murphey as the defendant's counsel for cross-examination. By a series of questions as to the time, place and circumstances, the furniture in the room in which the conversation was located, the relative positions of the parties and the witness, their previous acquaintanceship, the course of the dialogue between them, *et cetera*, he involved her in a maze of inconsistencies, contradictions and improbabilities so as to expose the whole story as a base fabrication. The privilege of cross-examination is often abused, though there is a consistency in truth and incongruity in falsehood which even in the case of the least resolute witnesses rarely allows such abuse to do much harm. All perceived in the case in question that it was one of the great tests of truth in the common law, and cannot safely be dispensed with in judicial proceedings. The evidence, as usually happens in such cases, was quite voluminous; we have but delineated its

most prominent feature. Having for his client a personal friend, threatened to be victimized by a foul conspiracy for daring to perform one of the highest duties of a citizen, in bringing at least a supposed murderer to justice, Mr. Murphey in his defence, inspired by the theme, is said to have delivered a speech which has never been surpassed in the forensic displays of the State. Analysis, denunciation, wit, ridicule, pathos, invective were in turn poured forth with such telling effect that not only was the defendant triumphantly acquitted, but it would have been dangerous for the plaintiff had the question of his life or death been in the hands of the jury. The audience alternately convulsed with laughter, bathed in tears, or burning with indignation were enraptured with his eloquence and could not be restrained from demonstrations of applause.

Mr. Murphey delighted in the Equity practice of his profession, and was accustomed to speak of this branch of our Jurisprudence as the application of the rules of Moral Philosophy to the practical affairs of men. More of the pleadings in Equity causes within the sphere and time of his practice will be found in his handwriting, than in that of any other solicitor, and with two or three exceptions, among those named above, he was by far the most adept as an Equity Pleader. He wrote with facility and accuracy, even amid the crowd of courts, and confusion of clients, and his neat and peculiar chirography, to those a little accustomed to it was as legible as print.

In the year 1818, he was elected by the General Assembly a Judge of the Superior Courts, and rode the circuits in that capacity for two years, when he resigned and returned to the practice of his profession. Under a clause in the criminal law establishing the present Supreme Court system, passed that session, which authorized the Governor by special commission to detail a Judge of the Superior Court to sit in stead of a Judge of the Supreme Court, in causes where any one of their number had been of counsel or had an interest in the result, he was commissioned by the Governor for this service, and presided in the Supreme Court in several causes, in place of Judge Henderson, who had been recently elected from the bar. This provision of the law, being afterwards thought to be in conflict with that clause of the constitution which requires the

Judges of the Supreme Court to be elected by the General Assembly, was repealed. In his office as a Judge he well sustained his reputation for learning and ability which had been so well established at the bar, and attracted the admiration of the profession and the people by the courtesy, patience, dignity and justice, which characterized his administration of the laws. Before taking leave of his career as a lawyer it is proper to mention his tribute to his profession in three volumes of reports of the Supreme Court of the State, embracing the decisions of cases of interest from 1804 to 1819.[1]

From 1812 to 1818, inclusive, Mr. Murphey was continually a senator from the county of Orange in the General Assembly, and on this new theatre shone more conspicuously than he had done in his profession. He inaugurated a new era in the public policy of the State, and for many years exerted a greater influence in her counsels than any other citizen. Judging from the public documents which he has left behind him in advocacy of this policy, no man has ever brought into our Legislative

[1]As a teacher of law Murphey was also very successful. Among the men who studied in his office were Chief Justice Thomas Ruffin, Bartlett Yancey, Governors Morehead and Worth, James T. Morehead and John A. Gilmer, who were eminent lawyers and representatives in Congress, William J. Bingham, headmaster of the famous Bingham School, Judge Henry Y. Webb, of Alabama, Charles Pendleton Gordon, of Georgia, and Judge Jesse Turner, of Arkansas. Murphey's influence on these men was profound and farreaching. Yancey, Governor Morehead, Worth, Gilmer, and Gordon became conspicuous advocates of his measures for public schools and internal improvements. "He took a deep interest in young men," said Paul C. Cameron, "sought their society to advise and instruct them. He was kind enough to address to myself a letter at the very threshold of life; a most affectionate one of advice and friendly suggestions. Such a letter should go a long way to correct the foibles and follies of young men entering life ambitious of notoriety and the promptings of vanity. Some opinion may be formed of the point and spirit of the composition and his kind interest in his young friend, when I tell you that he closed it with an earnest entreaty never to be seen wearing a ring, or walking with a gold-headed cane, or riding a pony." To many young men he gave a start in life. See MS. sketch of Yancey by his daughter, in the collection of Dr. S. B. Weeks, of Trinity, N. C.; Ashe, ed., *Biog. Hist. of N. C.*, II. 250-258, 274; *ibid.* III. 435-453; *ibid.* VII. 503-509; S. F. Miller, *Bench and Bar of Georgia* (Philadelphia, 1858), II. 63-73; J. H. Wheeler, *Reminiscences and Memoirs of North Carolina* (Columbus, O., 1884), pp. 192-193, 468; S. W. Stockard, *History of Alamance* (Raleigh, 1900), pp. 85, 157; letter from J. Turner Morehead, Esq., of New York: Address of P. C. Cameron, in *Proceedings, Alumni Ass'n of the Univ. of N. C.*, 1881 (Raleigh, 1881), p. 6.

halls a more ardent spirit of patriotism, a more thorough survey and comprehension of her situation and wants, or proposed bolder or more intelligent measures for her relief. Whether these measures failed from error in their conception or timidity in his contemporaries to meet and boldly sustain them, the historian must pronounce that his reports and other writings in regard to them are the noblest monuments of philosophic statesmanship to be found in our public archives since the days of the Revolution. From 1815 to 1823, either as chairman of a committee in the Legislature or of the Board of Internal Improvement, he annually prepared a report on the public policy of the State, in relation to her improvement in the means of transportation, and in 1819 he published "A Memoir on Improvements contemplated, and the resources and finances of the State," dedicated to his friend John Branch, then her Governor; any one of which papers would have done honor to DeWitt Clinton or J. C. Calhoun, the champions of Internal Improvement in the State and Federal Government, respectively, during this period. Fully appreciating the condition of the world, resulting from the general peace consequent on the battle of Waterloo and the overthrow of the first Napoleon, since which time there has been a greater advance in all the useful arts, and diffusion of the comforts of life among mankind than in any five preceding centuries; he applied all the energies of his intrepid and well furnished mind to the task of devising how his native State should most profit in this universal calm, confer the greatest good on the greatest number of her people, and resume her proper rank in the Union, of which she was a member. His solution of this important problem, he seems to have summed up in three propositions, namely: First, by improving her means of transportation, in deepening her inlets from the ocean, opening her rivers for navigation, connecting these rivers by canals, and turnpike or McAdamized roads so as to concentrate all her trade at two or three points within her own limits. Second, by building up commercial cities of her own at these points, with a view to commercial independence of other States, to the better regulation and control of her currency and exchanges, and to cherish and stimulate a just State pride. Third, by a system of education commensurate with her neces-

sities, embracing first—primary schools—second, academies for instruction in the higher branches—third, fostering the University and greatly enlarging its accommodations and course of instruction—fourth, by an asylum for the deaf and dumb. On this last subject of education, he made a report to the General Assembly in 1817 comprehending these several topics from which, since our limits will not permit us to recur to it again, we make one or two brief extracts as exhibitions of his style, his public spirit and his noble benevolence. For the University then from causes which he details in a state of extreme depression he says: "when the pride of the State is awakening and an honorable ambition is cherished for her glory, an appeal is made to the patriotism and generous feelings of the legislature in favor of an institution, which in all civilized nations has been regarded as the nursery of moral greatness and the palladium of civil liberty. That people who cultivate the sciences and the arts with most success, acquire a most enviable superiority over others. Learned men by their discussions and works give a lasting splendor to national character: and such is the enthusiasm of man, that there is not an individual, however humble in life his lot may be, who does not feel proud, to belong to a country honored with great men and magnificent institutions. It is due to North Carolina, it is due to the great men who first proposed the foundation of the University, to foster it with parental fondness, and to give to it an importance commensurate with the high destinies of the State." We may here remark that although much improvement has been made, in the interim, even after the lapse of forty-odd years, the outline of a system of studies in the University, which he therein proposed, has not yet been filled up. Of the necessity of public instruction for poor children, he says: "Such has always been and probably always will be the allotment of human life that the poor will form a large portion of every community; and it is the duty of those who manage the affairs of a State to extend relief to the unfortunate part of our species in every way in their power. Providence in the impartial distribution of its favors, whilst it has denied to the poor many of the comforts of life, has generally bestowed upon them the blessing of intelligent children. Poverty is the school of genius; it is a

school in which the active powers of man are developed and disciplined, and in which that moral courage is acquired which enables him to toil with difficulties, privations and want. From this school generally come forth those men who act the principal parts upon the theatre of life; men who impress a character upon the age in which they live. But it is a school, which, if left to itself, runs wild—vice in all its depraved forms grows up in it. The State should take this school under her special charge, and nurturing the genius which there grows in rich luxuriance, give to it an honorable and profitable direction. Poor children are the peculiar property of the State, and by proper cultivation, they will constitute a fund of intellectual and moral worth, which will greatly subserve the public interest."

His greatest and most persevering exertions, however, were devoted to the subject of internal improvement. His reports and memoir on that and kindred topics were examined with high commendation in the year 1822, in an article in the North American Review, then under the editorial charge of the Hon. Edward Everett. It must be borne in mind that in that day the modern resource of the Railroad for transportation at long distances had entered the contemplation of no one in Europe or America—sluices, canals, and turnpike roads were the only improvements deemed to be practical. To effect these in the most approved methods Mr. Hamilton Fulton, an engineer of much reputation, was brought into the service of the State from Europe, at a salary of twelve hundred pounds sterling ($6,000) per annum, who made surveys of all the harbors and rivers, and of many routes for roads in all sections of the State. The main features of the plan of Mr. Murphey, and to which he obtained the approbation of Mr. Fulton, after the improvement of inlets, at Nag's Head (if practicable), Ocracock, Beaufort, Swansborough and Wilmington, consisted in opening for batteau navigation the rivers Roanoke, Tar, Neuse, Cape Fear, Yadkin, Catawba, Broad and sundry tributaries, and by canals to join the Roanoke and Tar or Pamlico, and Neuse so as to ship the productions of the country watered by each of them from Beaufort; and to unite by similar means the Cape Fear with Lumber river, and at a more northerly point with the

Yadkin, and the Yadkin with the Catawba, so as to bring to the mouth of the Cape Fear the commerce of our whole watershed trending from the Blue Ridge, except that of Broad river (which was to be opened into South Carolina,) and thus making commercial marts of Fayetteville and Wilmington. Places and sections more remote from these waters were to be supplied by roads. The boldness and comprehensiveness of this plan, providing as it proposed to do, for the whole State, with the only facilities then known to science, must be seen by all. Whether it was practicable, and if so at what cost, was a question for engineers. It was in all probability practicable at a cost not exceeding the amount which up to this time the State has invested in Railroads, and if accomplished it would evidently have been a great advance beyond the cart and wagon, then the only means of transportation in use. Its very comprehensiveness, however, was probably the reason of its failure. To conciliate favor, inadequate appropriations for various parts of it in all sections of the State were made at once, and work was commenced under incompetent supervision, which resulted in failure. After a few years' trial the whole was abandoned, and the engineer, whose salary had at no time been less than twice that of the Governor of the State, was discharged. Its miscarriage is the less to be regretted since the iron rail and steam car, then undeveloped in the womb of time, would have superseded, if not supplanted, the most perfect works which it contemplated so far as regards inland transportation at least. But the fame of its author as a patriot, statesman and sage should not be dimmed by mistakes or failures in the details of its execution, or the advances made in the science of engineering in a subsequent age. The expenditures upon it from the State treasury, including the salaries of the principal engineer and assistants, did not exceed $50,000, and this was repaid tenfold in the topographical and statistical information which it elicited and caused to be published, and in the loyal and true North Carolina patriotism aroused by Mr. Murphey's discussions of the subject in the hearts of her people. We have recurred to this matter of expenditure with some care, for the reason, that before the subject of internal improvement became popular in the State, it was the custom of its opponents to hold up Mr.

Murphey's scheme of improvement as a kind of South-sea bubble, from which the Treasury had been well nigh rendered bankrupt.

While immersed in endeavors to press forward those projects of improvement, and at the same time assiduously laboring in his profession, either as a Judge on the Bench or a lawyer at the bar, Mr. Murphey conceived the purpose of writing the history of his native State. He had studied her interests by every light of political economy, and every record of the past within his reach—was personally acquainted with nearly every citizen of intelligence, and his talents, public spirit and engaging manners, had rendered him a favorite among the surviving officers and soldiers of the Revolution. This latter circumstance had made him acquainted with the traditions of that period, and the great injustice by omission and commission which the State had suffered at the hands of the writers of history. He seems to have undertaken this task with the same motives of zealous patriotism, which had inspired his legislative action. In a letter to Gen. Joseph Graham, of Lincoln, dated July 20th 1821, he says:

"Your letter to Colonel Conner first suggested to me the plan of a work which I will execute if I live. It is a work on the history, soil, climate, legislation, civil institutions, literature, &c., of this State. Soon after reading your letter, I turned my attention to the subject in the few hours which I could snatch from business, and was surprised to find what abundant materials could, with care and diligence, be collected—materials which if well disposed would furnish matter for one of the most interesting works that has been published in this country. We want such a work. We neither know ourselves nor are we known to others. Such a work, well executed, would add very much to our standing in the Union, and make our State respectable in our own eyes. Amidst the cares and anxieties which surround me, I cannot cherish a hope, that I could do more than merely guide the labors of some man, who would take up the work after me, and prosecute it to perfection. I love North Carolina, and love her the more because so much injustice has been done to her. We want pride. We want independence. We want magnanimity. Knowing nothing of ourselves, we

have nothing in our history to which we can turn with conscious pride. We know nothing of our State, and care nothing about it. We want some great stimulus to put us all in motion, and induce us to waive little jealousies, and combine in one general march to one great purpose."

His habits of labor, his readiness as a writer, and addiction to literary exercises as a pleasure, the philosophical cast of his mind, and above all his sentiment of devotion to North Carolina, eminently fitted him for this enterprize; and he seems to have entered upon it with his characteristic industry and zeal. He gathered materials for the work from a great variety of sources, public and private, within and without the State. At his instance the Legislature, through the intervention of Mr. Gallatin, then the Minister of the United States in Great Britain, caused the office of the Board of Trade and Plantations and the State Paper office in London to be explored, and an index of the documents therein pertaining to our colonial history, to be furnished—literary men in other States, including Mr. Madison and Mr. Jefferson, readily seconded his efforts by supplying information sought of them—the families of deceased public men in the State, including those of Governor Burke, Governor Samuel Johnston, Mr. Hooper, &c., opened all their papers to his inspection, and many officers of the Revolution, then living, among whom were Col. William Polk, Gen. Lenoir, Major Donoho, of Caswell, Gen. Graham, and divers others undertook to contribute to him their personal reminiscences of the war. The memoranda of the gentleman last named, prepared in accordance with the request of Mr. Murphey, were given to the public in the pages of our Magazine in the year 1856. Upon application of Mr. Murphey, by memorial, the General Assembly at the session of 1826 granted him authority to raise by lottery a sufficient sum, for the publication of his contemplated history, the plan of which he set forth in detail. We regret, that we have not at hand a copy of this memorial, to lay before our readers, the outline of the work as then prepared. It was more voluminous, and embraced a greater variety of topics, than would have been preferred by the generality of readers, but its very magnitude showed the comprehension of his genius and the intrepidity of his mind.

Beyond one or two chapters on the Indian tribes of the State, he appears to have done but little towards its composition, though his collection of materials, directing attention to the subject, and rescuing from oblivion much that was passing away, rendered the undertaking itself a great public benefit. Decayed health and a ruined fortune arrested him in mid career, put a stop to his favorite enterprize, and clouded with poverty and adversity the evening of his days.

Among his public employments may be classed his mission to Tennessee as the representative of the University in 1822. The chief endowments of the University from the State, consisted in escheats, or the estates of persons dying without heirs or next of kin, which passed to the State by a prerogative of sovereignty. In her deed of cession to the United States of her Tennessee territory, North Carolina had reserved the right to satisfy the claims of her citizens for military service in the army of the Revolution, by grants of land in the ceded territory, and where her soldiers had died leaving no heirs, or none who appeared and made claim within a limited period, their titles were considered as escheats, and vested by law in the Board of Trustees, and warrants were issued by the authorities of North Carolina, in the names of such soldiers for the benefit of the institution. The State of Tennessee took exception to these proceedings of North Carolina, alleging that they were in conflict with the provisions of the deed of cession, and since her admission into the Union, with her sovereign rights as an independent State. The controversy became a serious one, and Mr. Murphey was sent to confer with the legislature of Tennessee respecting it, in the year 1822. He was received with the courtesy due to his high character, and the important interest he represented, and was heard upon the subject at the bar of the legislature, on two successive days. An adjustment of the dispute succeeded, by which a portion of the claims of the University were yielded for the benefit of a similar institution at Nashville, and the residue were confirmed. From the sales of the lands thus acquired, have arisen a large portion of the investment in bank stocks, on which this institution is at present maintained.

As a literary character, Mr. Murphey deserves to be classed among the first professional and public men of the State, and

among those who, like himself, devoted their time laboriously to professional and public employments, he has had few superiors in literature in the nation. In the Latin, Greek and French languages, he attained such proficiency, that till the close of his life he read the standard authors, with pleasure and for amusement, and with the best of the English classics, few were more familiar. To this, though self-taught, he added no inconsiderable attainments in science. As an epistolary writer, he had no equal among his contemporaries, and in all his compositions there was an ease, simplicity, and at the same time, choiceness of expression, which showed him to be master of his native tongue. When it is known that a large part of his life was passed in taverns on the circuit, where he was immersed in business, or when not engaged in business, such was his proverbial urbanity and kindliness of nature, that his rooms were the resort of all whether of those seeking advice and consultation within or without the sphere of his profession, or of his circle of friends in every county, attracted by the charms of his conversation, his acquirements are a marvel to those less studious, or less imbued with a true love of letters. His oration before the two Literary Societies of the University in 1827, is a fair exponent of his style in writing, his favorite studies, the subjects of his admiration, his enthusiastic American sentiment, his characteristic benevolence and kindness towards young men, and that unaffected modesty, which was so remarkable a virtue in his character. Yet it is tinged with a vein of sadness, as if life for him was approaching its twilight, and he were walking among the graves of the dead, some of them his comrades whom he was soon to follow. Notwithstanding it was the first in the series of these discourses before the societies, it has never been surpassed in appropriateness and interest by any of his successors, though among them have been many of the most distinguished scholars in the State. Its commendation by Chief Justice Marshall, in a letter to the author published with the second edition, stamps its portraits of public characters with his approbation and renders it historical.

To the possession of genius in an eminent degree, he united some of its infirmities. A sanguine temper, a daring confidence in results, a reliance on the apparent prosperity of the times,

involved him in pecuniary obligations, many of them perhaps on speculation, which eventuated in disaster and swept away his estate. But a little later came an attack of chronic rheumatism, from which he suffered much, and was often incapacitated for business during the last half dozen years of his life. But during this season of adversity he struggled with a brave heart against the storms of fate. With a pallid cheek and disabled limbs, he made his appearance in the Courts where, as we have seen, his gifted mind occasionally shone out in all its meridian splendor, and when this was not practicable the hours of pain and misfortune were beguiled if not solaced by the pursuit of those noble studies which had been the delight of his leisure in the days of his prosperity.

He died in Hillsborough, then his place of residence, on the 3d of February,[1] 1832, and is interred in the grave yard of the town, a few feet from the door of the Presbyterian Church, and nearly in front of it. No monument marks his resting-place. His sons, Dr. V. Moreau Murphey, of Macon, Mississippi, and Lieutenant P. U. Murphey, of the Navy of the United States, are his only surviving children.

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[1]He died Feb. 1, 1832.

THE MURPHEY PAPERS.

To John Scott.[1] M. MSS.

CHAPELL HILL. Feby. 23rd. 1801.

Dear Sir—

Yesterday being the Birth day of Genl. Washington was celebrated by the young Gentlemen of the University in a way suitable to the Occasion and to the Day. Agreeably to their request, the Faculty have suspended Business on this day, in order to have a Ball in the evening. I lay hold of the opportunity offered by this Suspension to write to the Hermitage: from which place I have received no direct accounts since my return to Colledge. This would have induced me to visit it before this time, had it been in my power. As the Spring comes on, my confinement grows more and more irksome. Shut up within the Walls of Colledge, I long for the beautiful and delightful Scenes, which Nature begins every where to display: But from which I am entirely secluded. In vain does nature spread her Green Carpet for those who are destined to one perpetual round of Business, from which they have not the Liberty of withdrawing themselves scarcely for a moment. I delight at this Season of the year, to ramble thro' the Fields and Meadows which begin to clothe themselves with fresh Verdure; to walk over Hills and

[1]John Scott (1741 or '42-1815), a Scotchman by birth, was a farmer of that part of Orange County which is now Alamance. In the spring of 1800 he sold his farm, containing 150 acres, to Murphey, who married his youngest daughter, Jane Armistead Scott, Nov. 5, 1801. This place was called "The Hermitage," and was situated on the north side of Great Alamance Creek, about 18 miles west of Hillsboro. Murphey established himself there after his marriage. By purchases made during the next ten or fifteen years he increased the estate to 2,000 acres. The dwelling-house seems to have been built by Scott about 1795.—Scott family Bible, in the possession of Mrs. Maria Foust, of Greensboro, N. C.; Orange County records; *Raleigh Register*, Nov. 17, 1801. See *post*, p. 334n.

At this time Murphey was professor of languages at the University of North Carolina and was reading law under the direction of William Duffy, of Hillsboro. He resigned his professorship in June, and during the next five months lived with Duffy. In Hillsboro he immediately won public favor by an address which he delivered in the courthouse on the 4th of July. He was licensed to practise as an attorney at December term of the Court of Conference. See *Raleigh Register*, July 7, 14, 1801.

Vallies, where Herbs, Shrubs and Trees begin to blossom. How beautiful must the Hermitage soon appear! And how much more happy, Sir, must you live in such retirement, In conversing with Nature's Works, than those who spend their days in the Hurry and Bustle of the World; who must pass to their Graves, Strangers to that Tranquility and Serenity of Mind which few enjoy, except those who have a Taste for the Beauties of Nature. With what pleasure shall I retire to those delightful Scenes, from the wearisome Avocations of professional Life!

No News has yet been received at this place, concerning the election of a President;[1] nor news of any kind which is worthy of being communicated. The Treaty[2] with France is ratified with the rejection of the second Article and a Limitation to eight years. It is said, that Samuel Dexter, the present Secretary in the Department of War, will be the Bearer of the Ratification to France. I hope to see you in the Beginning of April; In the mean time I remain with great respect

Yr. Obt. and Hmle. Sert.

John Scott, Esquire — A D MURPHEY

[Address: Orange.]

From Duncan Cameron.[3] — M. MSS.

SALEM Augt. 30th. 1805.

My dear Sir—

You will see from the date of this where I am—so far on my [way] to Morgan. I had almost as soon be on my way to the d—l. I am still unwell not having altogether gotten clear of the Complaint which afflicted me at Guilford, and the excessive heat of the Weather distresses me much. I understood on yes-

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[1]The contest between Jefferson and Burr was pending in the House of Representatives.

[2]The treaty negotiated by Oliver Ellsworth, William V. Murray, and William R. Davie, which Davie, ex-governor of North Carolina, brought to America in December, 1800.

[3]Duncan Cameron (1777-1853), born and educated in Virginia, was first clerk of the Court of Conference, 1800; member of the House of Commons, 1802, 1806, 1807, 1812, 1813, and of the Senate, 1819, 1822, 1823; major-general of militia, 1812-1814; judge of the Superior Courts, 1814-1816; and president of the State Bank of North Caro-

terday as I came up that your family were well. I hope you continue so. We had dreadful rioting and confusion at Orange Ct. of which perhaps you have heard. Benton[1] and Hogan[2] had a severe fight and both much injured. Sam Child and John Faddis[3] had 2 or 3 engagements, besides innumerable battles between tag-rag and bob-tail too tedious to enumerate. I have heard nothing further from the University since I saw you. God grant I may hear no unpleasant news from that quarter before my return.[4] Farewell and be assured of the sincere Regard of Yr. friend

[Address: Germanton] DUN CAMERON

From Daniel M. Forney.[5] RUFFIN MSS.

CHAPEL HILL September 24th. 1805.

Sir

Agreeable to law, at a meeting of the Dialectic Society[6] held on the 19th. inst, an election of a Librarian Committee for said Society took place, when you were re-elected a Member. I have

lina, 1829-1849. He was a lawyer of large practice, a shrewd financier, an influential Federalist and Whig, a leader in measures of education and internal improvement, and prominent in the affairs of the Episcopal Church. He lived in Hillsboro from about 1800 to 1805, when he removed to Fairntosh, his fine estate 18 miles east of the town.—S. A. Ashe, ed., *Biographical History of North Carolina* (Greensboro, 1905-1908), III. 43-47; *North Carolina University Magazine*, X. (1890) 186 *et seq.*; Meade, *Old Churches, Ministers, and Families of Virginia* (Philadelphia, 1878), I. 486; *ibid.*, II. 371, 373.

[1]Gen. Samuel Benton, of Hillsboro, an uncle of Thomas Hart Benton.

[2]Probably Col. John Hogan, of Randolph County.

[3]A tavern-keeper of Hillsboro.

[4]Frequent disturbances at the University had recently caused the Trustees to adopt a by-law drafted by Murphey and Cameron for the appointment of two monitors in each class, who were to take an oath to preserve order and report weekly every species of irregularity. This by-law produced the "Great Secession" of 45 students, a majority of all.—K. P. Battle, *History of the University of N. C.* (Raleigh, 1907), I. 200-213.

[5]Daniel M. Forney (1784-1847), of Lincoln County, at this time a student at the University of N. C., was major in the regular army during the War of 1812, representative in Congress, 1815-1818, and state senator, 1823-1826. In 1834 he removed to Alabama.—J. H. Wheeler, *Historical Sketches of N. C.* (Philadelphia, 1851), II. 245; C. L. Hunter, *Sketches of Western N. C., Historical and Biographical* (Raleigh, 1877), p. 272.

[6]Murphey became a member of this society soon after he entered the University of N. C., in 1796.

now the honor to transmit to you a Copy of the regulations of the Librarian Committee, and to announce to you, that A. D. Murphey, Dr. James Webb[1] and T. D. Bennehan[2] compose the Committee. The time for which you were before elected will expire on the 14th. day of next May, so that your duties accruing from this second election will commence immediately thereafter. I have the honor to be with the utmost respect

Sir

yr: mo: obt. Sert.

DANL. FORNEY

Secretary to the D. S.

Archybald D. Murphey Esqr.

[Address: Orange.]

"Regulations of the Librarian Committee Belonging to the Dialectic Society."

[With the foregoing letter.]

A Committee of three persons shall be appointed by the Dialectic Society to be a Committee of five years standing from the time of their Appointment. It shall be their duty to superintend the Library of said Society; to keep all the Books which may belong to it within the above mentioned time together at the University. To see that they be appropriated exclusively to the use of said Society. In case of the dissolution of the Society by paucity of members or otherwise, that the said Committee keep the books for the use of a society by the name of the Dialectic Society, should one of that name be instituted at this place within the aforesaid time. If the Society be broken up and no other of the same name be instituted within the term of five Years, or their continuing in office, that the said Committee is hereby authorised and directed to make a donation of all the Books to the University of North Carolina, in the names of all the persons who have been members of the Society.

The Librarian shall at the end of every month, if required by the Committee make out and present to each Member of it, a catalogue of the Books belonging to the Society. The Commit-

[1]See *post*, p. 397.
[2]See *post*, p. 289n.

tee shall be appointed at least six months before the expiration of the powers of the preceding Committee, and should the Society neglect to appoint a new Committee, the old one shall continue to act untill such appointments are made. They shall not present the Books belonging to the Society to the library of the University in less than five years after the Society has been dissolved; and should the Dialectic Society be revived within that time, the Committee shall deliver all the Books in their care to the President or any other member whom the Society may depute to receive them. The Journals of the proceedings of the Society and the Committee, the books of laws and Constitution, and all papers belonging to the Society, together with its Seal shall be subject to the same regulations with the Books of the Society.

No Article relative to the Librarian Committee shall be repealed or altered without the concurrence of four fifths of the members of the Society.

From Duncan Cameron. M. MSS.

HILLSBORO' July 1st. 1806.

My dear Sir,

I had the pleasure to receive yours of today by Mr. Close, and am glad to hear that you are all well. We are all here so. I thank you for your Communication respecting the election—Business. The prospect as stated by you is indeed highly flattering; I shall certainly owe much to your friendly exertions in my behalf. The people in this quarter (with very few exceptions,) are as I understand much disposed to support me; so that taking all things together my *Chance* seems good at present; but what the final result will be is yet *uncertain.*[1]

On Thursday evening, or early on Friday morning I shall go to Chapel-Hill to attend the examination; I hope to see you there. Pray come as early as you can; for I fear I shall be

[1]Cameron was a candidate for the House of Commons, and was elected by a close vote. He was the Federalist leader of Orange County.—*Raleigh Register*, Aug. 25, 1806, Aug. 4, 1808; W. E. Dodd, *Life of Nathaniel Macon* (Raleigh, 1903), pp. 178-179.

almost alone.[1] Mr. Close carries up your Coat which Mr. Raboteau[2] only finished the day on which I left Raleigh. I spoke again to Guthrie about the black-lead, he promised to send it up by the first Waggon passing up this way. I will attend to this matter for you. The Weather is so very hot as to render writing unpleasant. With my best respects to Mrs. Murphey and the good old people I remain in the hope of seeing you at the University in a few days,

Yr. sincere friend

DUN CAMERON

[Address: "Allemance, Orange"]

To William Duffy.[3] M. MSS.

Dear Sir.

By Mr. McBryde[4] I received at this place six Notes, endorsed by yourself and Mr. McBryde, which I have Signed and enclosed to your Care. I wrote to you some short time since upon the Subject of discharging for me the next Instalment at the Bank:[5] I have not learned whether this Letter has reached you, but as the Subject of the enclosed Notes was mentioned in that I hope it has come to hand. It gave me much Uneasiness to make this application at a time when I knew you were scarce

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[1]Cameron was on the Committee of Visitation which conducted the annual examination at the University on Friday, July 4th.—*Raleigh Register*, June 2, July 21, 1806.

[2]A merchant of Raleigh.

[3]William Duffy (?-1810), one of the ablest lawyers and public speakers in the state, began to practice law in New Bern about 1792 and removed to Hillsboro in 1797. From 1802 until his early death in 1810 he lived in Fayetteville and at his country seat in Chatham County, called "Oakley Wood." He represented Fayetteville in the General Assembly of 1806. In 1803 he fought a duel with Duncan Cameron, caused by their rivalry for the hand of Miss Rebecca Bennehan, and was severely wounded. Murphey and Vice-President William R. King studied law under him.—Duffy MSS., in the editor's possession; F. X. Martin, *A Collection of the Statutes of England in Force in North Carolina* (New Bern, 1792), list of subscribers; *Raleigh Register*, Sept. 22, 1801, Apr. 25, 1803, Sept. 6, 1810; J. W. Moore, *History of North Carolina* (Raleigh, 1880), I, 468n; S. B. Weeks, "The Code in North Carolina," in *Magazine of American History* (New York), XXVI, (1891) 452-453.

[4]Archibald McBryde. See *post*, p. 35.

[5]The Fayetteville branch of the Bank of Cape Fear.

of money, and had any possibility appeared of discharging this debt without the Aid of your Friendship, I should certainly have avoided this Trespass upon your goodness. The payment of so large a Sum for Mr. Perkins[1] has embarrassed me more than I can well express to you: And Altho' I hope to get it within some short time, yet the pressure of immediate Inconveniencies is very great. Under these circumstances I trust you will excuse an Application which I confess was indelicate and at any other time would have been unpardonable. But it is useless to be prolix in an Apology to you: You understand the force of it and know me too well to think that I would make an ungenerous application to you. If fortune favours me, I shall have it in my power to return this favour before very long. As you have with much care attended to my Interests at the Bank heretofore, may I beg the favour of your future Care? If the Interest for the next twelve months is required to be paid up as on the last year, I will forward it immediately, so soon as I learn the Amount. I am troublesome to you in this business, and know not how I shall serve you to make you Amends.

Mr. McBryde shewed me your letter pointing out your Circuit. Will it not be prudent to attend some of the County Courts? For the first year, or even the second, there will be nothing to be made in the Superior Courts except from the Criminal Docket.[2] The Lawyers in the County Courts will

[1]A client for whom Murphey had paid $1300 in satisfaction of a judgment.—M. MSS.

[2]Some account of the little known but momentous court law of 1806 is necessary in order to understand this letter. Prior to that time the judicial powers of the state were vested in numerous justices of the peace, all or nearly all laymen, who determined cases of a contractual nature involving £30 or less; in a court of pleas and quarter sessions in each county, held by the justices of the peace, with jurisdiction of all common law actions and smaller offenses except demands cognizable by a single justice; in a Superior Court in each of the eight districts, forming two circuits, into which the state was divided, held semi-annually by one or more of five rotating judges and having original and appellate jurisdiction of all cases at law or in equity, except that indictments for assault, battery, and petty larceny, certain actions for slander, and, in general, suits between residents of the same district for less than £100 and suits between residents of different districts for less than £50 were required to originate in the county courts; and in the Supreme Court, held twice a year at Raleigh by two or more of the Superior Court judges, to which were submitted, not appeals, but difficult or doubtful cases arising on the circuits. The inconvenience of this system for suitors and witnesses

certainly engross the most valuable part of the business in the Superior Courts. Indeed the County Court practice will be as valuable, if not more so, than that of the Superior Courts; And let a man be as industrious as he can, and his profits will be far short of what they have been heretofore. I have made my calculations and Arrangements for only *half* of my Usual Receipts, and in this I fear I shall be disappointed. If you attend only the Superior Courts, you will make but little, except from the Criminal Docket, and that is very precarious. You no doubt have bestowed much attention upon this Subject and have drawn different conclusions, which, perhaps are more correct. But I really think you will find it expedient to attend several County Courts. However I hope we shall soon meet, when we will discuss this Subject at length. The prospect is dull to men of eminence: Under this System Genius will languish, enterprise grow feeble and Petit-fogging become fashionable. I am both mortified and alarmed: had not I expended so much money in making an establishment in Orange, I would break up and go to Nashville: Indeed, Sir, if You wish to make a fortune, bid Adieu to North Carolina and immediately go to Tenessee. You could not fail with Ordinary diligence to make a princely fortune; And really I think, in this State, if by our profession we can anyhow avoid poverty, we shall do pretty well. The *Status*

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residing at a distance from the district court towns caused the legislature in 1806 to establish a Superior Court in every county and to divide the state into six circuits, each comprising ten counties, with the ridings commencing at the same time in each. Two additional judges were provided. There were thus sixty Superior Courts instead of eight; the importance of the old district court towns was materially lessened; and a lawyer was compelled to go to clients who had important cases at the seats of their own counties. Moreover, the legislature reduced the fees of attorneys, clerks, and sheriffs in the new courts to the level of those established for the county courts. This law was passed by a close vote after vigorous opposition by Steele, Cameron, Duffy, Norwood, and other eminent lawyers. So great was the indignation it produced in Orange County that the people of Hillsboro dined and toasted the county's representatives "as a testimonial of their high approbation of the firm and patriotic opposition which they made to the adoption of the new Judiciary system." Gen. Benton, clerk of the Hillsboro District Court, in great disgust at his reduced fees, advertised all his property for sale "almost on any terms that will enable me," he said, "to remove to some Government from whence the restless and destructive spirit of innovation will not be kept in constant array to drive its citizens." A number of lawyers left the state. Among them was John Haywood, its most profound jurist. Duffy went so far as to procure

quo will not, I fear, be *tenable*. I could place in your hands business of several thousand dollars Value, as soon as you would become a Citizen of Tenessee.

Give my Love to Mrs. Duffy and the young ladies[1] and believe me to be, Dear Sir,

Yours most Sincerely.

A. D. MURPHEY.

RANDOLPH COURT HOUSE

6th. January 1807

[Address: Fayetteville]

From His Father.[2] M. MSS.

Dear Son [CASWELL COUNTY.] 25th. Jany. 1807.

In my last or memoirs, I gave you an acct. of your linage in your fathers line only. This is intended for your informa-

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from Solicitor-General Jones, his neighbor, a letter of introduction to a lawyer in Tennessee, with a view of moving there; and in that letter Jones asks "how far I could expect to make a living as a Farmer in your country." Murphey's fears that the new system would send important cases into the courts of justices not learned in the law do not seem to have been realized. It was soon found expedient, however, to enlarge the original jurisdiction of the Superior Courts.—Martin's Iredell's *Public Acts of North Carolina* (New Bern, 1804); John Haywood, *A Manual of the Laws of North Carolina* (4th ed. Raleigh, 1819); 1 *Murphey's Reports* (5 N. C.), 443; *Raleigh Register*, Dec. 8, 22, 29, 1806, Jan. 5, Mar. 2, 1807; Edward Jones to Joshua Hadley, Oct. 1, 1807, Duffy MSS.; *N. C. Univ. Mag.*, XIV. (1894-1895), 189-202; Ashe, ed., *Biog. Hist. N. C.*, VI. 278. See Robert Potter, *Address to the People of Granville County* (1832), pp. 56-58.

[1] Duffy's sisters.

[2] Archibald Murphey (Dec. 18, 1742-Oct. 25, 1817), a native of Pennsylvania and father of Archibald Debow Murphey, was a son of Alexander Murphey of York County, Pa., who probably came from the north of Ireland during the great Scotch-Irish emigration of his period. With several brothers and sisters he followed the tide of emigration southward from Pennsylvania at the time of the French and Indian War, and settled in what is now Caswell County, N. C. (formed from Orange in 1777), where he married Jane Debow in 1769. He was a member of the Committee of Safety of Orange County in 1776. In the summer of 1780, he was commissioned as major of a regiment of volunteers of Caswell County, under Col. William Moore; marched at once to South Carolina; and was probably at Gates's defeat at Camden on Aug. 15th. He remained in active service in or near South Carolina until Cornwallis crossed the Catawba at Cowans's Ford, Feb. 1, 1781, where he fought in the

tion in the line[1] of your mother as it came to me, through the information of your grandmother Mrs. Debow.

By birth your mother is an American, born in the Jersies, and raised in North Carolina on Hico Creek, or River. Her father was an American born in the Jersey State, descended from the Germans who are called the low dutch, or from the lower States of Germany. He spoke the English tongue very fluently, but not his mother country language.

Your grandmother Debow was also an American and all her family race from England.

You will see that you are related to the dutch by both your grandfathers and to the Irish and English by your grandmothers, so that your family are what the Dutch call a mangler or mixed race.

Those things being the most material in your mothers line, and not having an opportunity of entering anything further as a new subject, would just observe that we are all well and feel much uneasiness about your not coming to see us as you mentioned in your last from Hillsbo. The misfortune of Solo-[mon][2] and your sister gives me unspeakable pain as his loss is

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action in which Gen. Wm. L. Davidson was killed; and he was with Greene's army during its famous retreat to Virginia and until after the Battle of Guilford Court House, March 15th. Not long afterward he returned home to superintend the recruiting of militia and to take charge of the county clerk's office, to which he was appointed in 1780. About 1782 he was elected colonel of Caswell County, the highest rank in the county militia. He held the county court clerkship until 1816. This office and his plantation yielded him a fortune of about $40,000. For many years he was a breeder of fine horses. Although he had little education, he was a man of much influence in his community, and was a founder and president of the board of trustees of Caswell Academy, the first classical school in the county, opened in 1803. His book-plate indicates that he had a respectable collection of books. His children, in the order of their birth, were Alexander, Mary, Elizabeth, Archibald Debow, John Greene, Nancy, and Lucy.—Col. Murphey's Bible, in the possession of Mrs. James G. Penn, of Danville, Va.; *Pennsylvania Archives*, 3d Series, XXIV, 474; *Colonial Records of N. C.*, X, 786, 945; *State Records of N. C.*, XVI, 171, 619; *ibid.*, XIX, 335, 339; *ibid.*, XXI, 125; deposition of Herndon Haralson, May 3, 1843; in the collections of the N. C. Historical Commission. See *N. C. Univ. Mag.*, III, (1854) 318; records of Orange and Caswell counties; *Raleigh Register*, Jan. 13, 1806.

[1]For the pedigree of Jane Debow, mother of Archibald Debow Murphey, see vol. ii, p. 411n.

[2]Solomon Debow, son of Col. Murphey's brother-in-law, Rev. John Debow. He married Col. Murphey's daughter Nancy. The misfor-

unsurmountable. Other matters embarrass my mind at a time when I looked forward for the peaceful evening of my life.

Farewell dr. son. I know not when I shall write again, my mind is so barren that I am unfit to write letters.

You and yours, with all the family have my best wishes while I am your affectionate parent

ACD. MURPHEY

[Address: Haw River Post Office.]

From His Father. M. MSS.

[CASWELL COUNTY.] Apl. 13th. 1807.

Dear Son/

In a former letter I informed you of the representatives of our Antiant Progenators; In this, I intend to give you an acct. of my Brothers and Sisters—(your uncles and aunts by my line). I mentioned in my former letter that when my Father died he left eight small Childrin. The first Son, James, I was the second, Alexander the third, John the fourth; My sisters were Sarah, Esther, Nancy, and a young Child of eight or Ten months old under the Care of my Aunt, who died about that age and whose name I do not remmember. Altho my Fathers Will[1] directed that all his sons should be bound to trades, Our indulgent Uncle James Murphey admitted none of the brothers to be bound And after raising us in his Family, untill we were able to work for wages, we entered on that mode of life, each for himself. Your Uncle James Died in the War at the Eutaw Battle fought in South Carolina. Your Uncle Alexr. once owned the land which Capt. Haralson[2] lives on, but sold it to me and moved to the Settlement of Clinch,[3] and I understand by a letter lately from one of his sons (Thomas) that he

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tune here referred to was the destruction by fire of his valuable grist mill and cotton machine in Caswell County.—*Raleigh Register*, Feb. 16, 1807.

[1]This will, dated May 19, 1759, three months before it was filed, is in the office of the Clerk of the Courts, York, Pa. It purports to name all the children, but omits Nancy, and it mentions a daughter Agnes, the youngest.

[2]Capt. Herndon Haralson, then living in Person County, a son-in-law of Col. Murphey. See *post*, p. 27.

[3]In Tennessee.

removed from Clinch into the State of Kentucky. Your Uncle John Murphey Died at your Grandmother Debows [in] 1770 the next year after I Maried and Settled on Hico (where I Stil Continue),[1] and was buryed in the Graveyard of Barnett Meetinghouse in Person County. Your aunt Sarah or Sally (as She was called) I have mentioned in a former letter, She and my Sister Esther were born Twin Sisters, and If alive, are on the Western waters at or near Pitsburg. Esther was Maryed to Mr. William Irwyn as well as I can recolect the Christian name; She and Mr. Irwyn has removed to Manongahala near forty years ago as I have been informd by a Letter from Mr Dixon Soon after the War.

Your Aunt Nancy was a Twin Sister of the young Child mentioned, who died at about 10 months old; She maryed Colo Richard Miles in South Carolina, and after the Revolution of our Country They moved into the Tennessee State and Setled on Rid River; and in the year 1798. they again moved to the Ohio near the Rid Banks, where She died soon after. I have recd. a letter from her son Charles Miles Since last Court informing that after the death of his Mother his Father Maryed Genl. Lacys[2] daughter, and lived with her only a few years when he also died, That his Sister was dead, that he is the only person of the family which is now Alive, And that he lives near ClarksVille in the Tennessee State.

The first of this Month a Gentleman Clergyman from the Western Parts of Pensylvania about 30 miles from Pittsburg Called and Spent a Part of a Day and night with me. He appears to be a man of extensive aquaintance, and has Promised me to use his Utmost diligence in endeavoring to find my Sisters or their familys, in the Western Parts of his Country. He informed me that he was well Aquainted in Pittsburg, and that there were two Merchants in the Place of the name of Irwyn

[1]Col. Murphey lived on a plantation of 500 acres on Hico Creek about six miles from the present town of Milton. "The Murphey Castle," as the remains of his house are called today, was a small wooden structure with a brick foundation about six feet high and a stoop of the same height. It had only two rooms and an attic and cellar; but it is said to have been an object of much interest to the people of that region, who lived in log-houses, being the first frame building in Caswell County.

[2]Gen. Edward Lacey. He and Col. Miles fought under Sumpter.

I gave him a Writting, expresive of the names of my sisters, with the acct. of their being Twin Sisters, and Daughters of Alexanr. Murphey late of york Connty, Pensylvania State.

Should I be so happy as through the Instrumentallity of The Revd. Mr. Cook, to find that my Sisters are Still alive And Where they reside with their famalys, that my famaly and theirs might know their Relationship, and be able to Corispond by letters (if not Otherwise), I shall account it as one of the happy events which have happened in my life, and Posterity will know their relatives, that would have been Dormant for ever.

Your Brother John Greene has been here one day and Two nights, he has left us this morning and goes home by way of Hillsborough. He informs that he is to be maryed to a Planters Daughter of good Character on Thursday the 23rd. Instant. He has also appointed to be here on the 23rd. of July when and where we Shall expect to see you with your little family. We intend to make an attempt of having the family once more together on that day and as you and he are furthest off, we expect those near will assuradly attend. A few days since I was viewing several letters and writtings among my old papers, from which I learn to see the frailty of human nature; I cannot by Any means write now, with that Acrucy and intelligence which I could, when I was forty years old. I Believe my Mental Powers fail as fast as my hand Stiffen in writting. My love and best wishes to all the family, including Mr. and Mrs. Scott, and remain your Affectionate Parent

ACD. MURPHEY

[Address: Near Haw River.]

To His Wife.[1]

GUILFORD COURT HOUSE. 18th. Augt. 1807.

My Dearest Jane.

At a late hour of the night, when all the People of the House are retired to Rest and the Tumult of Company has ceased, I

[1] A. L. S., in the possession of Judge Archibald Murphey Aiken, of Danville, Va.

sit down to write to You by Mr. Cameron who leaves Court early. I wish to draw your Attention to the Subject of going with me to the Rockingham Springs on Sunday. I know that you had declined the Idea: But I beg you to reconsider your determination and accede to my Wishes, if it be possible to make the necessary Arrangements for our leaving home, by the end of the Week. To tell you that I lament your ill-health and sigh for its Change, would be telling you that which *I hope* you will believe: And I feel it a sacred duty to do all in my Power to aid your Recovery. Whether this Trip to the Springs would contribute to this happy end, I know not; but I think it would. My Dear Jane, I would propose nothing to you that I thought disagreeable; Much less would I urge a Request against your Wishes: But I trust that in this Case you will find no inconvenience, nor any thing unpleasant in complying with my Wishes:—I think your Affection for me will render such Compliance a pleasure. I am more anxious upon this Subject on this Account: My Brother was here on Today, and he tells me that he and his Wife will be at Lenox Castle[1] on Sunday evening, and there spend the ensuing Week. They both greatly wish that you would go up. I think You would spend a Week there very agreeably. Let me then entreat You, Dear Jane, to go with me. Our Affairs will not, I trust, suffer any great derangement by our Absence. Your excellent economy and good Arrangement can Set things in Such Order that I know we can be absent a few days. Do therefore consult with your father and Mother as to the best plan to be adopted and, if possible, let a Beef be killed at the end of the Week. Request your father and mother to assist Us for one Week; They will lend their Aid cheerfully. I shall be with You as early as possible and lend you all the Aid in my Power.

I need make no Apology for my earnestness in this letter. If there be any thing in this life that I sincerely desire, it [is] your good health and your Happiness: Should Providence be-

[1]A summer resort at the mineral springs in Rockingham County, named for its witty and eccentric proprietor, John Lenox, who advertised his tavern in 1804 as "The Castle of Thundertontrenck." Murphey bought the place about this time, and employed a man to manage the "house of entertainment," baths, and store.—*Raleigh Register*, Oct. 24, 1803, July 9, 1804, July 1, 1814, Jan. 4, 1822, Dec. 27, 1825; Raleigh *Star*, May 21, 1813.

stow these blessings upon *You*, I should appreciate them as the highest Blessings that could be bestowed upon *me:* for I feel myself attached to You by every Sentiment of *esteem*, of *affection* And Of *gratitude;* And it will ever be my highest delight to cherish and honour You. Present my Love to your father and mother and believe me to be,

Yours. most Affectionately.

A. D. MURPHEY

Mrs. Jane Murphey.

[Address: Haw River]

From Saunders Donoho.[1] M. MSS.

RUTHERFORDTON Nov. [26][2] 1807

Dear Sir

From my long silence I fear you have begun to censure me as being negligent in the performance of a duty which will ever give me infinite pleasure. To write to those who have been our *instructors*, our *benefactors* and our *friends* gives rise to sensations known only to a virtuous heart; it is a satisfaction which I have too long denied myself, and which my promises might have induced you to expect; but I know the goodness of your heart will not let you attribute it to any improper motive; for I have defered writing that I might say something more pleasing to me and more satisfactory to you. And I believe I might still defer it for the very same reason, for I see but too little pleasing to me. When I first came to this part of the State I was well pleased; I saw the courts crowded with business, I saw a factious and contentious people, I saw a fine opening. These prospects would be flattering to most young men; they were so to me: But they are blasted by the idleness, the poverty, and I may add the villainy of the people. I have always

[1]Saunders Donoho (?-1826), son of Major Thomas Donoho of Caswell County, after spending a year at the University and about the same period as a teacher in the Caswell Academy, studied law in Murphey's office, beginning in 1806. He went to Georgia, and in 1812 entered the U. S. Army, in which he became a major.—Genealogical chart by David Saunders Johnston, in the possession of Mrs. James G. Penn, of Danville, Va.; Jesse Harper to Murphey, Sept. 1, 1806, M. MSS.; *Raleigh Register*, Aug. 12, 1805, Aug. 8, 1826.

[2]Postmark.

been induced to view the conduct of mankind on the most favorable side, but since I came here I have witnessed such a depravity of heart and such a total want of moral rectitude as almost to make me disgusted with the world. But surely they cannot be so bad every place else.

Remember me to Mrs. Murphey, to Mr. and Mrs. Scot and to the young Gentlemen Studying Law,[1] and do not forget me yourself.

I am yours with the most sincere regard.

S. DONOHO.

[Address: Haw River Post Office.]

From John R. Donnell.[2] M. MSS.

NEWBERN Jany. 3d. 1808.

My dear Sir

It is with singular pleasure, and sentiments of affection and esteem that I take this opportunity of performing my promise by writing to you. It is not a little flattering to me that I still retain some place in the memory of one I so highly esteem, and one too to whom I consider myself indebted in no small degree for my progress in the pursuit of knowledge. While at the University Dear Sir it was my constant endeavour to recommend myself to the worthy Patrons and more immediate directors of that Institution by a regular deportment and moral line of conduct. I have profited much by your advice, I have profited much by your example. For these then I can make no other return than by hoping that my conduct may have been such as to have merited your attentions, and by assuring you that no length of time or distance of place can obliterate in my mind the memory of your virtues.

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[1]Thomas Ruffin, Bartlett Yancey, and perhaps others were studying law in Murphey's office at this time.

[2]John Robert Donnell (1791-1864), a native of Ireland, was graduated at the University of North Carolina in 1807, at the age of 16, with the first honors. He became a distinguished and wealthy lawyer of New Bern and a judge of the Superior Courts, 1819-1836.—J. H. Wheeler, *Sketch of Richard Dobbs Spaight* (Baltimore, 1880), pp. 22-23.

When at your house in the summer it was your desire that I should inform you at different times of the progress I should have made in the study of the Law. As yet Dr. Sir my progress has been but inconsiderable. I have read the first vol: of Blackstone and about two hundred pages in the second volume. I find the second volume much harder than the first; I am however pleased with the study.

I do not find Newbern a very good place for study. Our female society is good and rather inviting. I hope however to brave all attacks from this quarter.

Mr Gaston has been at home but very little since I have been here. Soon after I came he was called to Raleigh to take a seat in the Legislature. I have heard it said that he was not very popular in the house; but must confess that I am highly pleased with his conduct as a Legislator. His speech against Hamilton's address[1] to the President was such as would have done honour to a better cause. But as he said in that speech he was of the proscribed sect of Federalists, which alone was sufficient to excite the clamours of some.

The Merchants of this town appear a good deal ruffled at the news of an Embargo. We are in doubt concerning the cause of this Embargo. It is the opinion of many that we shall have a war with France; which opinion is coroborated by the declaration of Bonaparte that there shall be no neutrals.

To Mrs. Murphey I wish to be affectionately remembered.

Yours with affection and esteem

JOHN R DONNELL

A D Murphy Esqr.

[Address: Haw River]

[1]An address of the General Assembly, proposed by John Hamilton, of Pasquotank County, expressing approbation of Jefferson's conduct, particularly with respect to the impressment controversy with Great Britain, and requesting him to be a candidate for reëlection. Similar addresses had been poured upon the President from all quarters in consequence of the *Chesapeake* outrage. It was adopted after a spirited debate, in which the Federalist members, headed by William Gaston and Archibald Henderson, opposed it on the ground that the legislature of North Carolina was "not authorised as a constituent part of the union to sit in judgment on the conduct of the national executive," and that if it was authorized to do so the right should be exercised only in cases of great emergency.—Raleigh *Minerva*, Dec. 24, 1807.

To Thomas Ruffin.[1] RUFFIN MSS.

CASWELL COURT-HOUSE. January 27th. 1808.

I received both of your letters on Yesterday. I am sorry, truly sorry to hear of your Illness. I promised myself the Pleasure of your Company at this Place, and did not learn untill your Letters were handed to me, the Cause of your Absence. It is out of my Power to write to you such a letter as I could wish, and such as my feelings would dictate, were they free to take that direction to which the Reading of your Letters impelled them. But surrounded as I am at this place with noisy, drunken Company, troublesome and indigent Clients, I cannot express to you the deep Regret that your Situation has excited in my Mind nor the Interest which I feel for your Health and good fortune. Indeed, Sir, I know not whether my Sympathy would abate your Pain: it will, however, perhaps, have one effect, and that is to induce you to think more lightly of it, knowing that your Friends would willingly relieve you from a Part of your Sufferings by sharing them with you, if in *Rerum natura,* there existed a possibility of dividing it. I know you are above flattery, and therefore I can speak with Confidence when I tell you, that there is no young Man with whom I am acquainted for whose Afflictions I should feel more sorry, none whose Prosperity and future fame are nearer to my Heart. Providence does not intend to obscure

[1]Thomas (Carter) Ruffin (1787-1870), a Virginian by birth, A. B., Princeton, 1805, began his preparation for the bar in Petersburg, Va., and completed it in Murphey's office, his father having removed in 1807 to Rockingham County, N. C. He was admitted to practice in 1808, and settled in Hillsboro the following year. He represented the town in the House of Commons, 1813, 1815, and 1816; was a judge of the Superior Courts, 1816-1818 and 1825-1828; president of the State Bank of N. C., 1828-1829; a judge of the Supreme Court, 1829-1852 and 1858-1859, and chief justice, 1833-1852; a delegate to the Peace Conference at Washington in 1861; and a member of the state Secession Convention. From both the Superior Court and Supreme Court benches he resigned twice. By the consensus of the legal profession he was the greatest judge who has ever sat upon the bench in a North Carolina court, and he was also an able financier and a distinguished practical agriculturalist. He dropped his middle name about 1811.—Ashe, ed., *Biog. Hist. N. C.*, V. 350-359; W. J. Peele, ed., *Lives of Distinguished North Carolinians* (Raleigh, 1898), pp. 284-305; Walter Clark, "The Supreme Court of North Carolina," in *The Green Bag* (Boston), IV. (1892) 467-474; Ruffin MSS.

the Lustre of your Genius and your Acquirements; It intends you, I hope, for some noble Purpose, some distinguished theatre, on which you can give a full Range to your Faculties. You should not grieve nor repine at your present Affliction; bear it with fortitude, and if you cannot during your Pain make any Progress in your intellectual Acquirements, you may in your *Moral*. Let no Dispensation of Providence pass by without some Improvement from it, And I have long been of Opinion that we may learn more from those Dispensations which bring Sickness and Affliction than any Others. They teach us lessons that speak to the Heart. I cannot moralise any more: my Reflections are all unhinged by the Intrusion of disagreable Company.

I met with our little friend Thos. Barker at this place. He has undertaken a School to get a little money. Poor fellow! I wish I had money to assist him. I have promised him some Assistance some time hence.

My Wife came up with me to Caswell. She hoped to see you. She is in tolerable Health and so are all Our Family: tho' we have had much Sickness since I saw you.

As to the Courts, there is no alteration in the Time of holding them, except as to Rockingham: the Sitting of that Court is altered (after the next Term) from the 4th. Monday to the last Monday, so that We may go on to Stokes.

Mr. Yancey[1] is here and has commenced Practice. I hope he will do well: he is a young Man of much Worth. You will please to remember me to your Father and Mother. And my Wife begs to be remembered in the most Affectionate manner to your Sister: She joins me in Love to you, and I join her in remembrance to Minerva.

God bless you. I will come to see you. Certainly.

A. D. MURPHEY.

CASWELL COT. HOUSE

28th. Jany. 1808

[Address: "Thomas C. Ruffin esqr.," Oakland,[2] Rockingham County.]

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[1]Bartlett Yancey, of Caswell County, who became a brilliant lawyer, congressman, and speaker of the state Senate. See *post*, p. 398.

[2]Ruffin's home, his father's plantation.

Charles L. Albertson

From Henry Y. Webb.[1] M. MSS.

LINCOLNTON March 30th. 1808

Dear Sir.

I have been to but one of the Courts on this Cirquit at which there was but little business done. There was two criminals tried. The Celebrated McGimpsy[2] defended both; the one was indicted for horse stealing; the other for forgery. The horse thief was acquited, the forger was found guilty. Reasons in arrest of judgment were filed and argued, on which no opinion was given by the Judge as he entertained doubts whether the reasons filed were sufficient to arrest the judgment. The question was "if there are two Counts in an indictment the one good and the other defective, after a general verdict, whether the defective count does not vitiate the whole indictment." The proof was complete and the forgery was established beyond all doubt; McGimpsy made a *long* and *very pathetic* speech to the Jury but it had not the effect he expected or rather seemed to expect, the Jury retired a few minutes and returned a verdict of guilty. The celebrated council before named has laid down and endeavoured to establish new principles in criminal Law never thought or heard of by any other writer. (To wit)—"that unless there was a plea in abatement or demurer there Cannot be an arrest of Judgment." He has also made a new general division of the Law of evidence. To wit—"positive presumptive and circumstantial" and contended strenuously that presumptive testimony was the strongest kind of evidence. These are mentioned as specimens of the *originality* of his genius. If it continues its course and meets [no] obstruction we may expect an entire renovation in our Crimi-

[1]Henry Young Webb (1784-1823), one of the students of the University who left in the "Great Secession" of 1805, when he was a Senior, studied law under Murphey and settled in Lincoln County, which he represented in the House of Commons in 1817. In 1818 President Monroe appointed him a judge in Alabama Territory, and he was elected to the first Supreme Court of the state government in the following year.—C. L. Hunter, *Sketches of Western North Carolina*, p. 274; K. P. Battle, *Sketches of the History of the Univ. of N. C.* (Chapel Hill, 1889), p. 226; Battle, *Hist. Univ. N. C.*, I. 213; Jesse Harper to Murphey, Sept. 1, 1806, in M. MSS.; *Raleigh Register*, May 8, 1818.

[2]Thomas McGimpsey, a member of the House of Commons from Ashe County in 1807 and 1809.

nal juris-prudence. The innocent and guilty will be confounded together and receive equal punishment. He sets out under the Colour of a defender, but he really assists the Solicitor in Convicting his Client. He tries all his Causes on their real merits admiting all kind of evidence whether proper or improper and to manifest his patriotism Still more he insists that for the Security and welfare of Society every one *Suspected of a crime* ought to be punished.

The Small pox has broken out and rages with violence in this part of the Country. There is great consternation among the people; almost every person that has taken it have died. It is Said that one person that had had the vaccine took the Small pox and has died. It is in almost every house in Morganton. It has also reached this county; it is in a family not more than eight miles from town. In consequence of its being in Morganton there will be no Court.

When my cirquit ends I wish to read criminal Law and would thank you to direct what authors I had better read. I also wish to read Some treatise on Equity and to know what author is the best on practice in Courts of Equity. I have read Fotblanque over Slightly. Make my respects to your family and accept of my best for your uninterupted felicity.

Your obedient servant etc.

H Y WEBB

N B if Convenient let me hear from [you] by Mr. Williamson who will hand you this

H. Y. WEBB

[Address: Salisbury]

To Thomas Ruffin. RUFFIN MSS.

LENOX-CASTLE. 24th. July 1808.

Dear Friend/.

Late on last evening I learned by a Gentleman at Mr. Browns that You were at the Castle, and I had no doubt of finding [you] there upon my Coming back. I am sorry that I did not see You, that We might have arranged the Plan of our Trip

to Salem. My Wife tells me that You proposed, We should pass by Oakland in the Morning and direct our Rout thence to Salem. Will You permit me to propose another Plan, which I think you will approve of, that is, for You and your Sister, with Mr. Wright and his lady to come as far as the Castle on this evening, and in the Morning for us all to start together and reach Shoberton on Tomorrow Night. My Reasons for this Proposition are the following. You are bound for Surry on next Week, and I for Randolph; And We must return to the Castle on friday next, to enable us to reach those Courts in good time. To do this, and have time to see the People of Salem and hear their Music, We must get near to Salem on Tomorrow night.[1] I have another Reason; When I visit Oakland I wish to have some little time to look about, to talk, to loll on your bed and be at my ease. You can duly appreciate these Reasons; they will not appear satisfactory, Perhaps, to any Other person than to you and myself. If you think them of any Weight, will you act upon them? Upon our Return from Salem, the Ladies will have time to go whither-soever their inclinations may lead them, and to no place will they look with more fondness than to Oakland.

Write me a line by the bearer—and let me know whether you will be with Us on this evening; And if you cannot, whether you will not come to the Castle to Breakfast in the Morning? Do come on this evening, if You can. Tell Minerva, We long to see her here. Her Cheerfulness and good humour will do my Wife as much good as the Waters.

Present my Respects to Your father and mother, and believe me to be, Dear Sir,

Yours very Sincerely.

A. D. MURPHEY.

[Address: Oakland.]

[1]Two nieces of Mrs. Murphey, Anne and Elizabeth Kirkland, had been and probably were still pupils at the Salem Female Academy, conducted by the Moravian Church. Ruffin married Anne Kirkland in December, 1809. The music referred to by Murphey was doubtless that of a Moravian love-feast. See J. H. Clewell, *History of Wachovia in North Carolina* (New York, 1902), pp. 195, 196; A. L. Fries, *Historical Sketch of the Salem Female Academy* (Salem, 1902), pp. 6-7, 11-12.

From General John Steele.[1]

SALISBURY December 12th. 1808.

My dear Sir,

I had the pleasure to receive this forenoon yr. favr. of the 10th. inst. by Majr. Close,[2] to whom I have given encouragement to wait until the Directors[3] meet tomorrow. Be assured my good offices shall not be wanting either in relation to yourself or to him. Though I cannot speak with certainty, I flatter myself with the hope that you will both be accomodated. Your letter concerning Mr. Jones's[4] business came safe to hand and was immediately attended to, though I fear I may have appeared remiss in your eyes in not acknowledging the receipt of it. His bond was discounted and I delivered at his request a Draft for the amount on the office at Raleigh to Mr. Beard[5] who had a good oppty. to forward it to him in a day or two afterwards. Your bond of $650 was reduced by a payment recd. of John Henderson Esq.[6] last Discount day (the sixth instant) to $610 and a new bond filled up for that sum which will again be *renewable* on the 31st. of January ensuing. I delivered the old bond to Mr. Henderson. It will afford me infinite pleasure to be useful to you here, or to any of yr. friends, and you may count entirely upon my disposition to be so; but I beg of you not to think of compensation as the idea of emolument wd. be a drawback from the gratification which I should otherwise feel in attending occasionally to yr. business.

[1]A. L. S., New York Public Library, Emmet Coll., No. 4537. John Steele (1764-1815), of Salisbury, represented that town in the state conventions of 1788 and 1789 called to pass upon the Federal Constitution, and in the House of Commons, 1787, 1788, 1794, 1795, 1806, 1811-1813, of which he was speaker in 1811; was a member of Congress, 1790-1793; first comptroller of the Treasury of the U. S., 1796-1802; commissioner to adjust the North and South Carolina boundary, 1806; and major-general of militia. At this time he was the most conspicuous member of the Federalist party in North Carolina.—Wheeler, *Historical Sketches of N. C.*, II. 382-383; K. P. Battle, ed., *Letters of Nathaniel Macon, John Steele and William Barry Grove, with Sketches and Notes (James Sprunt Historical Monograph*, No. 3, Univ. of N. C., 1902); *Raleigh Register*, Apr. 10, 1812, Aug. 25, 1815.

[2]Archibald Close, of Rowan County.

[3]The directors of the Salisbury branch of the Bank of Cape Fear, of which branch Steele appears to have been at the head.

[4]The Solicitor-General.

[5]Lewis Beard, of Salisbury.

[6]John L. Henderson. See *post*, p. 33.

Accept my grateful acknowledgments for the favor you have done me in remembering my arm. I have not yet begun to use the prescription tho' I expect to begin shortly, and if I shd. ever be able to commit an assault and Battery with that arm, and shd. do so, remember that you will be chargeable as an ACCESSORY, and then in pleading my cause you will fully requite me for any services I may be able to render you now.

I congratulate you on yr. success in electing Mr. McKenzie, and that our Genl. Assembly has had the *grace* to avoid the flagrant usurpation lately threatened concerning his election. In popular governments *self-denial* is a virtue of such cardinal value that we shd. not hesitate to express our thanks and our surprise even at the appearance of it. Accept my respects and be assured that

I am My dear Sir

Very much and sincerely Yours

JNO. STEELE.

A. D. Murphey Esqr.

[Address: Orange County.]

To Rev. Joseph Caldwell.[1] UNIV.

CASWELL. 29th. Dec. 1808.

Dear Friend:

I have not yet learned whether Mr. Taylor will continue to act as Stewart at the University for the next Session. Supposing that he will, I have written a letter to him on the subject of Mr. A. Haralson's[2] Board, and promised to pay him the money upon Sight. If he does not, I must entreat your friendly Assistance in arranging the Board with the Stewart, to whom I will shortly remit the money. Having a large sum of money to pay at this time, it is out of my power to send on the

[1]Joseph Caldwell (1773-1835), a native of New Jersey, A. B., Princeton, 1791, was a tutor at Princeton, a Presbyterian minister, professor at the University of N. C. from 1796 to 1835 and its president during nearly all of the same period. He was one of the most powerful early advocates of public schools and railroads.—Battle *Hist. Univ. of N. C.*, I. *passim*; W. Anderson, *Oration on Joseph Caldwell* (Raleigh, 1835); *N. C. Univ. Mag.*, I. (1844) 97-105; *ibid.*, IX. (1859-1860) 1-25, 65-93, 395-407; *ibid.*, XII. (1892-1893) 45-55.

[2]A nephew of Murphey in the freshman class. See *post*. p. 53.

money for his Board by Mr. A. Haralson. I hope not much inconvenience will be felt untill the money be received.

I must apologize to you for my neglect in writing to You. I assure you that it is not attributable to the Want of a fond recollection of You; to any forgetfulness; to the decay of friendship and affection: But to that Procrastination which Young tells us "is the Thief of Time"—which throws on tomorrow the Burthen of to-day and always leaves us large Arrears of duty to discharge. Added to this are the constant turmoil and Vexation of business, the Inquietudes which result from a sick family, and the distractions of mind which a multitude of Cares never fail to produce. These are, to be sure, not satisfactory excuses for a failure of duty to a friend, nor do I offer them as satisfactory; but such as they are, I offer them to you, and I know you will judge of them with much Charity. The busy Scene in which I have been engaged for the last few years is likely soon to make me an Old Man; not that I look much Older than when I last saw you, but I feel so, and the gray hairs which begin to shine upon my head remind me that the Vigor of Youth is failing, altho it may be many years before it shall be all spent. What contributes, perhaps, more than any thing else to produce this effect, is the Regret which I have long felt at finding that the ordinary Avocations of Life are to occupy all my time, all my Attention; that the Prime of Life is to be spent in vulgar Pursuits, in getting a Competency to support a family, and providing a Pittance for Old Age. In the mean time the Improvement of the Mind is suspended, its health and Vigor decay; the Paths of Wisdom are unexplored: And when this busy scene shall be over, I shall have lost a Relish for the Pleasures of Intellect; I shall have lost, what is worse, that fine Tone which the Pursuits of Knowledge give to the feelings, and without which the World can offer but little happiness. I find no fault with the Arrangements of Providence; but I often wish that by some Arrangement, fortune had thrown in my way Riches which she has given to others only to be dissipated and misapplied; that I might withdraw from the distractions of petty business and attempt once more to cultivate true knowledge. I am determined in a few years to withdraw. I envy your situation; it is one I have often looked to with pleasure,

and One which I hope will always confer upon you Honor and Happiness. Fortune has favored me much since I left the University in my Pursuits in life: she still smiles upon me, and I entreat her to continue her friendship untill she enables me to live in Independence and Affluence. I will then render to her Homage all the days of my life. It would give me great pleasure to partake with you of some of her blessings at the Hermitage. When can You come up? Not I alone, but all who live there will be glad to see you. I promise not any great entertainment; this Profession of the Law has unsocialized me, if there be any such word. But we will try to make you agreeable. Pray present my Respects to Dr. Harris,[1] and tell him we shall all rejoice to see him. He has become a stranger on our side of the River very much to my regret. How did you spend your Vacation? Agreeably? I hope so.

My Wife's Health is better than when you were last at my house. She has however suffered very much during the late wet Weather. My children are all well; so also Mr. and Mrs. Scott.

I must beg you to keep an eye over A. Haralson. He is young, thoughtless, and will often want advice. I shall be glad to hear from you whether he will ever make a scholar.

I offer you my most affectionate respects and remain, Dear Sir, Yours Truly,

A. D. MURPHEY.

Rev. Joseph Caldwell.

From Gavin Alves.[2] M. MSS.

HILLSBOROUGH Apl. 17. 1809.

Dear Sir

Agreeably to your request, I recd. from the Treasurer the sum of £84. 13. 3, being Prin. and Intt. (I think) for Mr. Roberts, which I have endorsed on his Bond to McCulloh,[3] and is now subject to your orders.

[1]Dr. Charles Harris, a noted physician.

[2]Gavin Alves, a son of James Hogg, of Hillsboro, was treasurer of the University from 1799 to 1809. He adopted his mother's name by act of the legislature.—Battle, *Hist. Univ. N. C.*, I. 128, 826; *James Sprunt Historical Monograph* No. 3 (1902), pp. 13-16.

[3]See *post*, p. 28.

The situation of the University Coffers is truly deplorable. The payments I made to the Bank of New bern when at Raleigh exhausted the Treasury, and there is not one cent on hand. Indeed I believe the Institution is something behind with me, and I know not when, how or wherefore to obtain a supply. In this dilemma I have no other resource but to beg the aid of the Attornies and earnestly to request the exertion of all their energies to raise monies, or otherwise all Salaries, and even the contingent expenses of the University must inevitably remain unpaid for this year. As a state of Bankruptcy for so long a space must tend greatly to a serious injury, I am confident you will use your utmost endeavors to remedy the evil, and hope you will soon be able by collections to afford some considerable assistance.[1]

With my best wishes for Mrs. Murphy I remain
with much esteem

Dear Sir
your's
GAVIN ALVES

To Captain Herndon Haralson.[2] RUFFIN MSS.

ORANGE 24th May A. D. 1809.

Dear Sir.

I send you by my father the Papers which I mentioned to You at Caswell. They relate to a business which you will not

[1]The University's endowment from the State consisted of old arrearages due from sheriffs and other officers, all property which had escheated or should escheat to the State, a loan of $10,000 for erecting the buildings (afterwards converted into a gift), and confiscated property of British sympathizers. These gifts were made prior to the opening of the institution in 1795. The University's attornies, of whom Murphey was one, succeeded in collecting about $7,000 of arrearages and $7,000 of confiscated estates, but the law allowed it only the use of the interest on such monies. Escheats had been even less productive. Shortly before the date of this letter the University was deprived of the income from confiscated property. Private munificence and lotteries furnished its chief support during this early period.—Battle, *Hist. Univ. of N. C.*, I, 9-20, 23, 44-47, 51, 109, 118-153, 327-329, 378 *et seq.*; letter of attorney to Murphey, Dec. 18, 1806, in M. MSS. See *post*, p. 124n.

[2]Herndon Haralson (1757-1847), a native of Caswell County, was deputy surveyor of the county and deputy county clerk under Col.

distinctly understand from reading those Papers alone. I some time ago employed Mr. Bradberry[1] (who was going to Tenessee) to go as far as Duck-River and see Mr. Stockart[2] on my behalf. By him I wrote a long letter to Mr. Stockart and enclosed in it a Power of attorney similar in its Object to the one which you will find in the file of Papers now sent. I can in a few Words make you understand the business. Henry E. McCulloh[3] being seised of Part of the Lands which I now possess on Haw-River, bargained and sold them to John Trowsdale. He gave to Trowsdale a Bond to make a Title to the Lands; and Trowsdale gave to him two bonds for the Payment of the Purchase money. The Revolution came on shortly afterwards and the lands of McCulloh were confiscated. A general Opinion soon prevailed that all the Lands for which McCulloh had not made deeds, fell under the Operation of the Acts of Confiscation; And under this Opinion, the Trustees of the University, (to whom the Genl. Assembly in 1794 transferred those lands) proceeded to seise, take into Possession and sell all lands of this description;[4] And amongst the rest they made Sale of the lands which McCulloh had sold to Trowsdale, and James

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Archibald Murphey between 1780 and 1791. Upon the approach of Cornwallis's army in January, 1781, he obtained a captain's commission and raised a volunteer company; and he fought at Pyle's defeat, Whitsill's Mill, Alamance, Guilford Court House, and Eutaw Springs. He married Mary (Polly) Murphey, Col. Murphey's eldest daughter, Oct. 4, 1791, and settled in Person County, where he became deputy county clerk, 1792-1793, representative in the House of Commons, 1793-1800, and county clerk, 1800-1816. In 1816 he moved to Danville, Va.; thence, in 1818, to the town of Haywood, in Chatham County; thence, in 1820, to the site of Jackson, Tenn.; and finally, in 1825, to the vicinity of Brownsville, Tenn.—MS. autobiography, in Herndon Haralson MSS., in the possession of Mrs. T. D. Russell, of Brownsville, Tenn.

[1]William Bradberry, a neighbor.

[2]James Stockard, formerly of Orange County.

[3]Henry Eustace McCulloh, a member of the Council in North Carolina in colonial times and representative of the colony in England, owned many thousands of acres of land which were confiscated by the State in 1779.—L. Sabine, *Biographical Sketches of Loyalists of the American Revolution* (Boston, 1864), II. 55-57; G. J. McRee, *Life and Correspondence of James Iredell* (New York, 1857-1858), *passim*.

[4]The act of 1794 vesting confiscated lands in the University expressly provided that lands purchased of McCulloh which he had given bonds to convey or for which he took purchase-money mortgages should be held by the University in trust to make title to the purchasers upon payment of the balance owed by them.

Stockart became the Purchaser. Some time after the Ratification of Jays Treaty, when British Creditors began to sue upon their old Bonds, McCulloh instituted Suits upon many of his bonds; and in a Case which was sent up to the Court of Conference for the Opinion of all the Judges, (and is known by the name of "Ray vs. McCulloh")[1] the Principal Question was, whether Lands in the Situation of John Trowsdales were affected by the Acts of Confiscation and McCulloh thereby deprived in equity of recovering his Money? The Court decided, that Altho the Confiscation Acts vested the legal Title in the State (in as much as McCulloh had never parted with the legal Title, but only the equitable Title by the Sale to Trowsdale) and the State had transferred that Title to the Trustees, Yet McCulloh was in equity entitled to the Money due on his bonds and the Purchasers from McCulloh were in equity entitled to hold the Land. In consequence of this decision, Many Purchasers from McCulloh or Persons claiming under such Purchasers were likely to be compelled to pay for their Lands twice: they had already once paid the Purchase money to the Trustees: and by the decision in the above Case, they were bound to pay it again to McCulloh; the Land being considered as mortgaged and charged with the Payment of the Original Purchase Money to McCulloh. The Legislature interfered upon this Occasion and directed the Trustees to pay over to the Public Treasurer all the Money which they had received for Lands of the above description. Mr. Gavin Alves Treasurer of the Board of Trustees immediately paid over to Mr. Haywood[2] nearly $6,000. and rendered a Schedule of the Monies which made up this Sum containing the Names of Persons who had paid it and the Amount. And the Assembly directed Mr. Haywood to pay over this Money with interest to the several Persons who had paid it to the Trustees, their Exers. Admrs., Or to their Attorney properly authorised to receive it. The money paid by Mr. Stockart was reported by Mr. Alves and paid over to Mr. Haywood for the Use of Mr. Stockart or those Persons

[1]Reported in 1 Cameron and Norwood's *Conference Reports* (1 N. C.) 492. The plaintiff in this suit was George McCulloh, of Rowan County, son of H. E. McCulloh.

[2]The state treasurer. See *post*. p. 103.

claiming the land under him. I purchased great Part of Mr. Stockarts lands and he being well apprised of McCulloh's Claim would not warrant against his Claim; but promised me, if McCulloh should exhibit his Claim and I be found liable to pay my Proportional Part of his debt against John Trowsdale for those lands, that he would do every thing necessary to enable me to draw the Money which was lying in the Public Treasury expressly for the Purpose of aiding the holders of the land to pay to McCulloh any Incumbrances which he had upon the lands. Trowsdale's debt to McCulloh is $2500. and my proportional part is more than one half. McCulloh called on me during the last Winter and demanded Payment of my Proportion. I stated to him my Situation and Mr. Stockarts promise to aid me to get the Compromise Money which he had paid to the Trustees, and which now in Principal and Interest would exceed $1000. and told him I would take the earliest Opportunity of sending to Mr. Stockart and getting a Power of Attorney to draw this money, which I would immediately pay over to him. * * * If you have the Acts of Assembly of 1804, look for "an Act for the Relief of the People of Mecklenburg etc." and take it out with you. I have not got the Acts of that Year. This is the Act under which Mr. Alves paid the money to Mr. Haywood for Stockarts Use. Take out this letter and read it to him if he wants explanations.

I beg your Attention to Mr. Wades land in Kentucky. Make a Survey and division; and sell the lands for the most that you can get. Perhaps you had better sell upon a Credit of one and two Years—but in these things you will be governed by Circumstances. I shall attend to Archey. I wish you a pleasant Trip and if Opportunity offers, write to me from Nashville, and direct to Hillsboro'. My father will tell you how the family are. They all join me in kind and affectionate Regards to Polly, Yourself and Children.

Your very sincere friend.

A. D. MURPHEY.

Hearndon Haralson esqr.

[Address: Person County.]

From William Duffy. M. MSS.

OAKLEY WOOD Chatham 24th May 1809

My dear friend

My prospects open, and brighten in their aspect. I was admitted without difficulty, with distinguished marks of respect, and with the most early attention by the five Judges of Equity in Columbia[1] and by the same number constituting the Court of Law. Others who were with me had difficulties—underwent public examinations etc. Some were admitted and some rejected. I experienced nothing of this kind. Chesley Daniel was in my Company and owed his admission to my recommendations even after he was examined—in which however he acquitted himself well. I am determined to quit North Carolina—but still propose to practise in this State as far as I can. I mean in order to avoid difficulties from paltry Creditors and also for the purpose of reserving a healthy retreat for my family, to leave my possessions in Chatham and my field negroes undisposed of under the care of an Overseer *whom I have provided* but to the end of satisfying a few creatures to whom I owe debts of twenty fifty and sixty dollars it is necessary I should have a thousand dollars and also to enable me to carry Mrs. D. out. I have spoken to Mr. Sherwood Haywood Agent of the Newbern Bank to know whether I could be accomodated with that sum, to which he replied I certainly would immediately. I asked him the terms. He said discount and one tenth of Principal every two months and only one endorser—but he observed that as to the payment of one tenth of the Principal regularly, they were not he supposed very rigid when they were satisfied with their Securities.

Will you endorse for me? and trust to my honour for your safety? I send eight blanks which you will endorse if you think it right.

I hope your Wife is better in health than she has been. Mine is tolerably well. Every thing seems to prosper among us but I myself have been reduced to a very low state owing to my late uncommon Exertions. However the kind treatment I have received at home has contributed very much to restore me

farewell my friend

WM. DUFFY

[1]South Carolina.

From Judge John L. Taylor.[1] M. MSS.

NEW BERN June 21st. 1809.

Dear Sir.

On all the cases[2] you were kind enough to send me; I had made up opinions as well as upon those adjourned from the last term. But an unfortunate accident has interrupted me in the progress of revising and getting them copied. Indeed there are some which are completed, but being mingled with a mass of papers in my Office where I cannot go; it is out of my power to send them at this time. I enclose a few which you will please to file if it should become necessary; and when I am able to move, I will send yon the residue. I must beg the favor of you to correct what is erronious; in point of language, or punctuation; as I have not examined them so accurately as I wished. In the case from Onslow argued at the last term respecting the admissibility of parole evidence, On written contract I had written Out and completed a very full Opinion, but it is in the same situation with the rest.

If you will please to give me early notice of what cases you wish first to complete;[3] I will avail myself of the first hours of returning health to transmit them to you.

Respectfully Yours.

J. L. TAYLOR.[1]

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[1]John Louis Taylor (1769-1829), born in London and educated at William and Mary College, Va., commenced the practice of law in Fayetteville in 1788; was a member of the General Assembly from Fayetteville, 1792-1794; judge of the Superior Courts, 1798-1818; the only chief justice of the old Supreme Court, 1811-1818; and first chief justice of the new Supreme Court, 1819-1829. About 1796 he moved to New Bern, and about 1811 to Raleigh.—Ashe, ed., *Biog. Hist. N. C.*, v. 402-406; *N. C. Univ. Mag.*, IX. (1859-60) 385-394; *The Green Bag*, IV. (1892) 461-462; *Raleigh Register*, Feb. 3, 1829.

[2]Abstracts or transcripts of cases submitted to the Supreme Court, of which Murphey was clerk from 1806 to 1813, inclusive.

[3]The Raleigh *Star* of July 20, 1809, said: "A volume of Cases in this Court we understand will shortly be published by A. D. Murphey, Esq., the reporter." He published no reports, however, until 1820.

[4]The letter is endorsed by Murphey: "Judge Taylor's Opinions In Cases decided at July Term 1809—filed July Term 1809."

To John L. Henderson.[1] M. MSS.

SALEM. 15th. December 1809

Dear John!

Has fortune yet thrown in your way another Eliza, upon whom to repose your Hopes and Anxieties? At this Period of life, when the Sobriety of Manhood has succeeded to the Levities of Youth, the Heart seeks with Impatience some Object upon which to rest; and which, whilst it tranquilises its feelings, corrects their Wanderings. It is thus that Providence contributes to our Happiness at every Stage of life, and rather increases, than diminishes the Pleasures of our existence at every successive Period. Those tender Sensibilities which, in early Youth, made us happy by their various Wanderings, increase our bliss at a more advanced Age, by being concentered upon one Object of our Affection and Regard: And he will be a wretched Man who does not in due time call in his feelings and bid Adieu to the light and irregular Pleasures of early life; who does not learn to calm the Inquietudes of youthful Sensibility and give Sobriety to the whole of his social System. The History of Will Honeycomb[2] is the History of every Man of feeling who has not learned this valuable Lesson, and like *Will*, every such Man is doomed to be tormented by Trifles for two thirds of his existence and then, by marrying below his Standing in the World, (as he has lost all Chance of an equal Match,) to sink into a mortified Obscurity. How few of us look into futurity and examine what complexion our feelings are to assume from the direction given to them at the present Moment! It is, perhaps, immaterial whether We marry or not, could we whilst single bring Ourselves to reflect with Seriousness upon

[1]John Lawson Henderson (1778-1844), of Salisbury, a son of Judge Richard Henderson, was graduated at the University in 1800, when Murphey was tutor there. "He studied law, but from his retiring temper, modest demeanor and indolent disposition, he did not succeed in the practice. He was blessed with a clear, discriminating mind, high and generous impulses. He represented Salisbury in the House of Commons, 1815-'16-'23, and '24. In 1827 he was elected the comptroller of the state, and, subsequently, the clerk of the supreme court, in which office he died, at Raleigh, 1844. He was never married."—Wheeler, *Reminiscences and Memoirs of North Carolina and Eminent North Carolinians* (Columbus, O., 1884), p. 183.

[2]The fine gentleman of the gay world who marries and reforms at sixty, sketched by Addison in *The Spectator*.

the Necessity of doing that, which Marriage imperceptibly brings about; I mean, a Conformation of our Moral feelings to the successive Stages of our existence. But I know of Nothing which so certainly works this Conformation as the fixing of the Heart upon an Object worthy of its ardent Affection and tender Regards. How much then, Dear John, do I wish to hear of your having secured to yourself a Certainty for Happiness, by having determined to take to your bosom some female of excellence, who is to become your Guardian Angel, and save you from becoming a Victim to a disordered Sensibility, by engrossing to herself all the feelings of your generous nature. I rejoice to see my friends get married: I always regard the Stock of human happiness as thereby increased. Whilst so many young Men of your Acquaintance are thus adding to their happiness, feel you no Wish to add to yours? In the Circle in which you move, can no one be found whom you love, and whose hand and Heart you can consider as the richest Treasure of this Life? I hope there is. Get married, my dear friend, and get a Wife of good Sense. When you are married, let it be your Object to lead your Wife in the Paths of Uprightness and Honour, and let it be hers to preside over your Household with dignity and at all times to make herself *lovely* in your Sight.

You may ask, Why I write such a Rhapsody upon this Subject? Why, Sir, I have just been at the Marriage of one of my friends, and whilst the Subject was fresh, and having a leisure hour, I thought I could not employ myself better than writing a letter to you, who I well know, have a particular Reverence for that Part of the human Race who are destined to make happy the other Part. If you do not resolve to get married shortly, will you permit me to recommend to you a Perusal of the Spectator. This will in some measure do that, which a Wife is intended to effect.

My Candle is nearly out: it is past 12 O C. My friend Love[1] is asleep and I hope dreaming of the fine Woman who

[1]William C. Love, a young lawyer of Salisbury who carried this letter. He married a daughter of Judge Spruce Macay in 1811.—Raleigh *Star*, Apr. 5, 1811.

is hereafter to administer to his Comfort. Whoever she be, I hope she will be worthy of him. Adieu, Dear John. You have my best Wishes.

A. D. MURPHEY.

John Henderson esqr.

[Address: Salisbury.]

2027359

From Archibald McBryde.[1] M. MSS.

WASHINGTON 27th. Jany. 1810

My Dear Friend

Soon after the commencement of the Session I wrote you a Long Letter which I hope you recd. I have only time now to tell you that the *gag rule* has not been called up for some time and that probably its friends have dropt the project. We have been engaged for some time in the discussion of a commercial Bill reported by a committee of which Mr. Macon was chairman.[2] Its principal objects are to repeal the non-intercourse Law—to interdict the vessels of G. Britain and France from our ports and Harbours—to confine our vessels to a *direct* trade and to prohibit the *indirect*, or circuitous trade. There are nearly forty Federal members in the house of whom only five Voted for the bill on its second reading! They were, Gardanier,[3] Key,[4] Stanly,[5] Swoope[6] and myself. It was only carried by a majority of 17. The *War* men are Violently opposed to it. They say it is Submission. The Eastern men say that England will retaliate the measure by corresponding restrictions etc. I am far from being pleased with the bill, but

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[1]Archibald McBryde (?-1837), of Moore County, was a lawyer, trustee of the University of N. C., 1807-1837, Federalist Congressman, 1809-1813, state senator, 1813-1814, and a member of the Council of State. See Wheeler, *Hist. Sketches of N. C.*, II. 272; E. W. Caruthers, *Revolutionary Incidents: And Sketches of Character, chiefly in the "Old North State"* (Philadelphia, 1854), preface.

Of the twelve North Carolina representatives in Congress at this time McBryde, John Stanly, and Joseph Pearson were the only Federalists.—*Raleigh Register*, Nov. 30, 1809, Aug. 16, 1810.

[2]See Dodd, *Life of Nathaniel Macon*, pp. 249-266.

[3]Barent Gardenier, of New York.

[4]Philip Barton Key, of Maryland.

[5]John Stanly, of New Bern, N. C. See Vol. II. p. 354.

[6]Jacob Swoope, of Virginia.

I am of opinion that the majority will do *something* and I thought it safer to take this than perhaps something worse. I think It will have a 3rd. reading tomorrow. Its fate in the Senate is doubtful.

The *War party* have lost ground lately. There is nothing to be apprehended unless England should resent the affair of Mr. Jackson[1] and Mr. Giles's[2] subsequent resolutions. We are very anxious to hear from the other side the Atlantic. We expect news from there the latter end of next month.[3]

I hope this will reach you before Chatham Court. Pray make my respects to my brethren of the Bar. I sent the documents accompanying the Presidents message to Mr. Williams[4] and Mr. Jones.[5] I hope they have recd. them. I should have sent them to Mr. Duffy and you had not Mr. Stanford[6] informed me that he would send them to you. Be so good also as to inform Mr. Duffy that I had a Letter lately from young Mr. Bell[7] at Norfolk—That Mr. Stanford and me have obtained the promise of Mr. Hamilton the Secretary of the Navy to nominate him to the Senate as a Lieutenant of Marines—That I have spoke to Messrs. Turner[8] Franklin[9] and Byard[10]—that they assure me if he is nominated there is no danger of his appointment and that as soon as I shall know the result I will write to him.

I am Dear Friend truly Yours

A, MBRYDE

A D Murphy Esqr.

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[1]Francis J. Jackson, the insolent British envoy with whom Madison refused to communicate.

[2]Senator William B. Giles, of Virginia.

[3]Murphey, like McBryde, was opposed to war with England and the restrictive commercial policy of President Madison; but he was fundamentally a democrat. His independence of political parties was one of the most striking features of his career. A printed circular letter of Marmaduke Williams, of Caswell County, a Republican member of Congress, dated Feb. 26, 1807, addressed by Williams to Murphey and franked by him, bears these words in an unknown hand below Murphey's name: "No Democrat but mighty friendly to Democracy." See Vol. II, pp. 14-18.

[4]Ex-Gov. Benjamin Williams. See *post*, p. 64.

[5]The Solicitor-General.

[6]Richard Stanford, Republican Congressman from the Raleigh District (at this time Orange, Wake, and Chatham) from 1797 to 1816.

[7]A brother of William Duffy's wife.

[8]Senator James Turner, of North Carolina.

[9]Senator Jesse Franklin, of North Carolina.

[10]Senator James A. Bayard, of Delaware.

From Edwin Lorrain.[1] M. MSS.

OPELOUSAS (Orleans T|erritor|y.) April 1810.

Dear Sir,

I had kept a kind of Journal of my travels from Columbia with a design of throwing it into a letter to you But having put it together with other Papers in the trunk of Major Gnianne one of my fellow travellers from Natches he has carried it back with him to that town. So I must either wait his removal to this country or take some time to recal the Contents to memory.

I made a Leap in the dark in coming to Louisiana but the Adventure has succeeded admirably. I do not at all regret my disappointments in So: Carolina. They have brought me to a country where I shall do better and which is in every respect more agreeable to my taste. I am at present engaged in a sort of Secretaryship with one of the Parish Judges which secures me a genteel support through the Year and at the same times leaves me at Perfect liberty With regard to Practice and to Study. I was admitted at the Bar immediately on my arrival and if success depends upon the comparative merit of the Competitors here I have good grounds for hope. Having procrastinated writing from day to day till now that the mail is about departing I am under the necessity of concluding abruptly. Communicate this Letter to Mr. Stanford and let me have the pleasure of hearing from you. Yrs.

EDWIN LORRAIN

[Address: Haw River Post Office.]

[1] A diligent search has produced little information concerning this interesting writer. His letters suggest that he was a Virginian and studied law under Murphey. Perhaps he was a son of Thomas Lorrain, of Petersburg, Va., who died in 1811 (*Raleigh Register*, March 14, 1811), or of John R. Lorrain, who was living in Raleigh in 1816 and whose memorial proposing to paint a portrait of Gen. Washington for the State Murphey introduced in the Senate on Dec. 6th of that year. See 6 *U. S. Statutes at Large*, 464.

To His Wife. M. MSS.

FAYETTEVILLE 4th. May 1810.

My Dearest Jane.

Mr. Sharp[1] delivered me your letter, which I was very glad to Receive Notwithstanding the News which it contained. As to Losses, We must expect them from time to time: And Perhaps We have as yet met with as few as any Persons of our Age and business. If the Loss of the Mare was occasioned by bad Conduct, I feel truly sorry for it; for I am a little unfortunate as to some of the Men who are in my employment, and I fear there has been some Neglect in this Case. However My Philosophy is, to bear the ills of life with Patience, and when I sustain a Loss, to exert myself to repair it. If fortune has been unkind to me in one way, she favours me in Another; I have had a good Court here and have made nearly as much Money as would refit my team. I feel at some loss to give directions as to the Waggons. After Reflecting for several Hours I have concluded upon the following Plan. The Waggons must be kept employed. Otherwise I shall not only loose the expence of maintaining the Teams, but shall not be able to get my flour etc. sent in good time. I wish therefore that the two Teams may be made complete and tell Mr. Christie to take my Riding Horse and work him; And if possible to break your father's filly to the Waggon and Plough. Indeed I wish him to work all the Young Horses. They are old enough to plough and to work in the Waggon. I wish Mr. Christie to have every Convenience, and if he spares a Horse for the Waggon, let him take my Riding Horse and all the Rest. I wish the Waggons immediately to go to Petersburg again with flour if two Loads can be made up: if there be not flour enough to make up the Loads, let some Whiskey be sent to the Care of John Williams.[2] I had an unpleasant Ride on the evening that I left home, but I did not get wet, nor did I get any Cold. I fell in with Mr. John Williams on the Road, and we reached Fayetteville on

[1]John Sharp, of Haw River, the bearer of this letter.

[2]Murphey built a grist mill on his estate in 1807, and in 1810 he erected a distillery (the apparatus for which he obtained from William Duffy) of 80 gallons capacity. John Williams was a merchant of Petersburg, Va.

Monday evening. I had not been in Town more than an Hour before Mr. Grove[1] waited upon me and invited me to take a Room at his house: there I have been treated with the most generous Hospitality. Mrs. Grove has got well, and all her Children are well. Mrs. Kelly[2] is indisposed. I am invited to dine there on Tomorrow. On Sunday I shall leave this place and go to Randolph by the way of Moore Supr. Court. Tell Mr. Nash[3] I will be at Randolph on Tuesday. I expect to reach home on Friday next. If it be possible to get any of Dr. Robertson's Vegetable Cordial[4] at this place, I will procure it and send it up.

Do my Dear Jane, take all possible Care of your Health. The Weather is now good, and I hope you will feel better.

At this Moment Mr. Kelly calls upon me to walk to his House and see his Wife. From thence I went to Mr. McCrae's,[5] where I purchased the Patent Medicine which I herewith send you. Tell your father to Use the Gout and Rheumatic Drops.

God bless you, My Dearest Jane. Peace and tranquility of Mind with good Health: I pray God to bestow these blessings upon you. Your Affectionate Husband.

A. D. MURPHEY.

[Address: Orange.]

To Thomas Ruffin. RUFFIN MSS.

HERMITAGE 19th. May 1810.

Dear Sir.

I intended On today to ride down to Dr. Umsteads[6] and come up with my Wife on tomorrow. Some unexpected Com-

[1]William Barry Grove, of Fayetteville, who had been in Congress and the General Assembly, and whose political career was ended in 1803 by the overwhelming forces of Republicanism. See *James Sprunt Historical Monograph* No. 3 (1902), *Raleigh Register*, Apr. 3, 1818.

[2]Wife of a prominent Fayetteville merchant.

[3]Frederick Nash, of Hillsboro. See *post*, p. 155.

[4]A much advertised patent medicine.

[5]Duncan McRae.

[6]Dr. John Umstead, a prominent physician and long a member of the Council of State, who lived on the road between Hillsboro and Murphey's home, about five miles from the town. Murphey named his son Peter Umstead Murphey for him.

pany from Fayetteville puts it out of my Power to leave home, and I must request you to take my Roane horse and drive up my Wife on Tomorrow, if the Weather will be suitable for her to turn Out—if it be wet or cloudy, I do not wish her to leave the Drs. Mr. Roane[1] will ride up your Horse. The family here have had pretty good health since I saw you, except Mr. Scott—he has suffered more Pain than at any time of his life: but his Uncle is now getting better and I hope he will be able to walk about in eight or ten days. The Rest of the People here are well.

My fortunes have been various since I saw you. At Home I have suffered considerable losses. At Courts I have made considerable Profits. Indeed I have had a most fortunate Circuit since I parted from you; and I sincerely wish you would put up your Prayers frequently for me, as they always seem to be attended to. I hope you will be with Us tomorrow. Tell Anne[2] and Mrs. Kirkland[3] I wish to see them very much, just now; to sit around the Table and feast upon some of their fine Straw-berries. The Harvest will be over, before I get from my tiresome Circuit. Give them my love and believe me to be, Dear Sir, Yours. Sincerely.

A. D. MURPHEY.

Thos. C. Ruffin esqr.

[Address: Hillsboro']

From Judge Joshua G. Wright.[4] M. MSS.

LEBANON. NEAR WILMINGTON
Augt. 6th. 1810.

Dear Sir

I have sent to the care of Mr. Jno. Winslow of Fayetteville, which I suppose will reach you at the time this does, a keg of

[1]William Roane, a relative of Ruffin's who appears to have been employed by Murphey as manager of "Lenox Castle" and otherwise. He entered the Navy in 1814. See Raleigh *Star*, May 21, 1813; Murphey to Ruffin, Jan. 29, 1815, in Ruffin MSS.

[2]Mrs. Ruffin.

[3]Mrs. Ruffin's mother. She was the wife of William Kirkland, a prosperous merchant who lived at "Ayr Mount," near Hillsboro.

[4]Joshua Granger Wright (1768-1811), of Wilmington, was a mem-

what is deemed by connoisseurs as well as amateurs, most excellent rum. All that I can say myself on the subject is that it has been more than eight years in my cellar and was at the time I purchased it reported to be two or three years old. I hope it will reach you in good order. I have put it into a seer keg, and secured it as well as I could.

I have not heard from you since the rising of the Supreme court nor have I received any transcripts: of these however I only wish such as are under consideration—, but I wish to hear from you in answer to that part of my letter which related to the proposal of the Mason Wilkinson to undertake the Building[1] at Chapel Hill. * * * With regard and friendship Your obt. Servt.

JOSA. G. WRIGHT

[Address: "Near Hillsborough."]

From Edwin Lorrain. M. MSS.

OPELOUSAS O. T.[2] August 1810.

I remain in the same situation as when I wrote to you last. Little has transpired since then touching my pecuniary Interest except that two or three late importations of lawyers somewhat depreciate my prospects at the Bar.

I am better pleased with this country than with any that I have visited since my departure from home. I am better pleased too with the people. They are indeed of a character strikingly amiable. Honest candid and punctual in their dealings, hospitable and generous in social intercourse, affectionate

ber of the House of Commons, 1792-1808, speaker of the House, 1807-1808, judge of the Superior Courts, 1808-1811, and a trustee of the University, 1799-1811.—Wheeler, *Hist. Sketches of N. C.*, II. 293; Wheeler, *Reminiscences and Memoirs of N. C.*, p. 304; *Raleigh Register*, June 21, 1811.

[1]The Main Building of the University, now called "South," for the completion of which President Caldwell travelled over the state in 1808 and 1811 to procure subscriptions. Murphey contributed $200.—Battle, *Hist. Univ. of N. C.*, I. 133-134, 830.

[2]Orleans Territory, now Louisiana.

in domestic life, decorous in their moral habits and scrupulously obedient to the Laws. They are however rather exceptionable in two points—though in both those they are improving very fast—they want the rough energetic virtue of Rome and the acute polished intellect of Greece. There is an easy, engaging refined suavity in their manners which the Graces themselves would love to look upon.

You have directed me to make known to you all my wants. As respects the immediate purposes of my interests here I have none. But Sir, I owe William Peck of Raleigh twenty dollars which must be paid very soon and if you will do it you will relieve me from the necessity of parting with that sum here before it is certainly safe for me to do so. Pay it if you please as money remitted from me, and tell Mr. Peck that though I have not yet fulfilled my promise of writing to him yet that I will do so before long. I have a brother[1] living at Mr. Gales's who ought to have some little pocket money. Give him three dollars and this if you remember will make the salisbury affair more of an even amount—but Sir do not *repeat* the thing. I wish this to be the last item in the account. Having accepted your proffered friendship in circumstances on which nothing could be calculated I feel free now that the prospects of reimbursement are neither distant nor uncertain, to make this application as you have invited me to do. But here it must stop—for if it transcends this point I can no longer entertain the reflection which gives me quietude of mind on the subject. And though, Sir, you may take pleasure in the services you render me yet you ought to take more in conferring a smaller obligation that sits easy than a larger one that does not. I am thus particular in cautioning you on this score from an apprehension that you might think so small a sum for pocket money quite too far out of the usual order of things. But, Sir, that brother of mine is a philosopher. He knows how to confine his mind within the "compass." He is a child of my raising—

[1]Thomas W. Lorrain, an apprentice in the office of Joseph Gales's *Raleigh Register*. He was a native of Virginia and became an editor in Columbia, S. C., and in New Orleans, where he died in 1825.—*Raleigh Register*, Apr. 7, 1820, Jan. 10, 1826; Raleigh *Star*, Oct. 20, 1815; *Carolina Observer* (Fayetteville), Jan. 5, 1826.

from the stump. Silver and Gold I had none and I gave him wisdom. Any good, which it may fall in your way to do him, *not of a pecuniary nature* will be very grateful to

Yours respectfully

EDWIN LORRAIN.

[Address: Haw River Post Office.]

To His Wife.[1]

LENOX-CASTLE. 1st. Sep. 1810.

My Dearest Jane.

I have waited with painful anxiety to see You at this place, since Yesterday 12 O Clock. The delay, I could attribute to nothing but some unfortunate Occurrence such as the one your letter discloses. I thank God that the danger is over and our dear little boy[2] restored to health: We must prepare to meet such afflictions, however severe they may be: in this instance You will join me in sincere thanks to Heaven for his speedy Recovery. To request Attention to him would be useless: I know the tenderness of your feeling, and the anxious Solicitude with which you will watch over him and the Rest of our Children. You have the entire Charge, for my continued Absence from home prevents me from rendering that paternal Attention to their Wants and to their Welfare which my Heart inclines me to do. But amidst the Cares of Our Children, do not, I beseech You, be unmindful of your own Health: Of that I feel most anxious, And I beg you to come up and spend a little Time here as soon as the Situation of the family will admit. There has been a pleasant litle Party here on this Week, Mrs. John Brown, her sister Miss Bethell,[3] and Mr. Je. Brown's[4] daughter. They have looked for you with much impatience. Your Room will be ready for you.

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[1]A. L. S., in the possession of Mrs. George R. French, of Wilmington, N. C.

[2]Peter Umstead Murphey, born July 20, 1810. See *post*, p. 389.

[3]Daughter of Gen. William Bethel, of Rockingham County.

[4]Jethro Brown, father of Senator Bedford Brown.

I intended to leave this place on today for Surry and go 10 or 15 Miles. But some Business in the Neighbourhood detained me untill 9 O Clock tonight, and I write to You after my Return to the Castle when all the People in the house are fast asleep. I shall start in the Morning early and try to reach Hauser-Town on Tomorrow night. If Nothing unfortunate Occurs, I will be with you on this day 2 Weeks or perhaps one day sooner.

As to the Management of Affairs at home, I can say nothing in addition to what I mentioned before I left there. I am glad that Joe[1] has come home. Please to request your brother[2] to have my Advertisement stopped by the next mail. I have seen Capt. Patterson at this Court and he promised to push on the Work. Mr. Saunders[3] will go down about the 12 Inst.

I feel truly sorry at your Mother's ill-ness. I hope she will soon get better. If not, send for the Dr. I have expected from day to day to hear of Mr. Duffy's death: the Intelligence has not surprised me. He has left a distressed family, but much better off than they could possibly have been had I not settled so much of his business at the last Court. Providence seemed to give him a momentary Vigor to enable him to settle his Affairs. I cannot write to Mrs. Duffy nor send her any Counsel, untill I go to Chatham Court.

Tell your brother to assist Mr. Pennington in sending out for me all the flour they can in the Course of the next Week etc. Kiss Our dear little boy, Cornelia,[4] Moreau[5] and William.[6] I send them all my blessing—my Love to Your father and Mother, Your Brother and his Wife—and to You, Dearest Jane, I offer my best Wishes, and to Heaven I put up my most sincere Prayers for you. Farewell.

A. D. MURPHEY

Mrs. Jane Murphey.

[Address: Hermitage.]

[1]Doubtless a runaway slave.

[2]Thomas Scott, who lived near the Hermitage and became a partner in Murphey's milling and mercantile business on Haw River.

[3]Romulus M. Saunders, of Caswell County, afterward a judge, congressman, and minister to Spain.

[4]Cornelia Anne Murphey. See *post*, p. 277n.

[5]Victor Moreau Murphey. See *post*, p. 312.

[6]William Duffy Murphey. See *post*, p. 360.

To Thomas Ruffin. RUFFIN MSS.

Dear Sir.

The Copy of Peere Williams[1] named in my Memm. is one of the last edition containing Mr. Coxe's Notes. When You see the Other Books, I am inclined to think you will take the few which remain. Those Books are now at Chatham Court House, but I shall have them brought to my house by some Waggoner from Fayetteville. I like You the better for your Reverence for my poor friend Duffey's Character. I loved him with the Affection of a Brother, notwithstanding all his imprudences.[2] He had a certain generosity about him, that distinguished him from most Men, and which found its way to the Necessities of Others with Promptness and delicacy. He is gone! but I shall forever cherish his Memory with fondness; for to him I am in a great Measure indebted for the little Prosperity which has attended me in active life. What is to become of his family God knows. They are destined to encounter unexpected difficulties.

I write this at 2 O Clock at Night, sitting up with my little Son Moreau, who is very ill.

I hope to meet You in good health at Germanton; In the mean time and at all times believe me to be, Dear Sir,

Your friend and Well Wisher.

A. D. MURPHEY.

29th. Sep. 1810

Thos. Ruffin esqr.

[Address: Hillsboro'.]

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[1]William Peere Williams's *Reports of cases argued and determined in the High Court of Chancery, and of some special cases adjudged in the Court of King's Bench*, edited by S. C. Cox. This book and many others were purchased by Murphey for the benefit of William Duffy's estate (because he "could not stand by," he said, "and see the Books go for Nothing") at a sheriff's sale of Duffy's library shortly after his death, and Murphey sold some of the law books to Ruffin. Duffy's will named as executors William Barry Grove, Thomas Scott, and Murphey. Murphey alone qualified as such.—Murphey to Ruffin, Sept. 27, 1810, in Ruffin MSS.; Orange County records.

[2]Duffy sometimes took too much brandy.

To Thomas Ruffin. RUFFIN MSS.

HERMITAGE. 1st. January 1811.

Dear Sir.

We reached Dr. Umsteads on Saturday evening, Where my Wife still is. On today, I came home and found my family in good health. They were very sorry that the bad Weather prevented the Visit of the Girls; particularly as a considerable time will elapse before the Opportunity of seeing them will again come round. Present to them Our best Respects and our best Wishes.

My Waggons are getting ready to start to Petersburg. They will only wait for the Melting of the Snow. On Friday or Saturday they will leave home and go by Warrenton. I shall send several Barrels of Whiskey, and for a considerable Part of it I ought to get a dollar Per Gallon. However I shall instruct Mr. Roane to sell it for the best Price he can get. My Distillery is going on admirably. I wish I could engage 1.000 Glls. at $25. Per Barrel: or *rather at $30.* Will you examine the Prospect at Petersburg, and recommend me to particular Gentlemen who will be good Judges of Whiskey, and *who will give liberal Prices?* I hope to send three Waggons out at this time. I have their Loads ready.

* * * * *

[Address: Hillsborough.]

From Archibald McBryde. M. MSS.

WASHINGTON. 20th. Jany. 1811

My dear friend

The great point to which our attention is turned at present is the Bank and a nonimportation bill, both of which are on their passage. It is now reduced to almost a certainty that the Charter of the bank will not be renewed. A Motion has been made and carried by a majority of 12 or 13 to strike out the first section of the bill for the avowed purpose of trying the

main question. This measure will be attended with the most alarming consequences. You can have no idea of the consternation that prevails in all the large towns. It is confidently affirmed that it will withdraw more than twenty millions of circulating paper for some time at least and that it will of course bankrupt thousands. Nothing will in my opinion prevent a nonimportation Law but the death of George the 3rd. A new ministry may produce a change of measures. If this Law passes our produce must sink to nothing. There will be no money to buy and no man can tell who to trust. Withal France will receive only a small quantity of Tobacco or Cotton by Vessels having special Licences (if we would even consent to such a trade) it is evident that G Britain cannot purchase when we will not take her articles in return. The northern Merchants will press immediately for their debts in the Southern States. In short I look for nothing but confusion and distress. On the Policy of the nonimportation Law I shall say nothing at present, but I must deprecate the Policy which has undermined the bank. It is admitted that the Govt. cannot do without the intervention of Banks. I fear that a new System will soon be raised on the ruins of the former which will become a dangerous engine to the rights and liberties of this Country.

A bill has passed our House for erecting the Island of Orleans and Louisiana into a state. The Bill for taking possession of Wt. Florida as far as the Perdido is still pending in the Senate. I am of opinion that we have a title or at least so strong a claim as to justify us in taking possession especially in the present state of that Country—though this is strenuously denied by many. The injunction of secrecy on our proceedings in Conclave is not taken off.[1]

I hope to see you at Fayetteville Superior Court in May. In the mean time accept the best wishes of Dear friend

Yours

A, M, BRYDE

[1]See Dodd, *Life of Nathaniel Macon*, pp. 267-272.

From Edwin Lorrain. M. MSS.

OPELOUSAS 1 February 1811.

Sir,

The second extract from the journal will go by next mail. My hopes of this country begin to flag in a great measure. The people have at length by some means or other detected my crime. They have found out or suspect they have found out that I am poor. They have accordingly receded from me in the most glaring manner. I had made a couple of speeches that "astonished the natives" and was just going to have my pockets full of business when unfortunately the secret slipped out. One circumstance that has contributed to the discovery is this. Mr. King the Judge of the Parish in whose employment I informed you I had engaged, though one of the most honorable and most benevolent men on earth is somehow embarrassed in his affairs and consequently I have had to carry on all my little dealings upon his *credit* and that sometimes in a manner not very dignified. And at best there is evidently in that mode of transacting things here a most gross violation of Economy to which the greatest Jack Ass here knows that no man would resort who had plenty of money in his own pocket and was like me out of the way of speculating. I wish I had known this country better before I came to it. I would have gone some where else to have made my start—staid till I had made up about $1000 or so and with that have come here—bought on the spot two or three acres of ground, fixed me up a neat little Cabin of my own, wore a clean shirt every day, contracted a debt occasionally on purpose to shew how punctually I could pay and then at the end of the year I should got on like a young man who started with me without half the good opinion of the Public in any respect whatever that I have. He differed from me in nothing else but the cash and now he is at least two years start of me—and where I might have been with the utmost ease had I been able to support my Dignity. The hundred dollars you sent I should on that principle have made use of contrary to a declaration of a late letter of mine had Governor Williams[1] ever transmitted it to me. He may be very

[1]Robert Williams, governor of Mississippi Territory from 1805 to 1809, a native of Caswell County, N. C.

generous and noble and all that but he is not a good hand to send money by. I have got a new trouble. I am running mad to get married but the misfortune is I haven't the faculty some how of falling in love with rich girls. I wonder if you couldn't pick me out some rich one in North Carolina that the Devil would be obliged to fall in love with. There are two or three here but they are too consummately abominable. And Besides this is a Civil Law country. The Baron and feme business is not arranged to my liking. We have had an insurrection of negroes on the Missisippi which is all over I believe. It cost about 3 white men and 100 negroes their Life. The 3 whites ought to have been killed long ago and in that very way. The conspiracy was rather contracted.

Yours respectfully

EDWIN LORRAIN

Make my regards to your lady and to those who drink my health.

[Address: Haw River Post Office]

To Thomas Ruffin. RUFFIN MSS.

My Dear Friend/. GREENSBOROUGH. 22nd. April 1811:

I received from Mr. Nash on last evening your Letter with the Packet which accompanied it, and it proved that Our fears of your ill-health were but too well founded: for we had looked for You at Germanton with much anxious hope. In your present indisposition, You have nothing to make you despond: the Slightness of the Attack, and the advanced Period of the Spring, shew that no serious Cause of Alarm exists, at least for a Season: And On this You should bottom a hope that a few more Years will wear out the Complaint. That You should not experience occasional Returns of the Rheumatism is not to be expected: You are affected early in life; You are yet Young, and altho this Complaint does not last for the Ordinary Term of human life, Yet we well know, it lives for several years; In You, it is evidently declining, and You will be entirely relieved from it by the Age of twenty five or thirty. In

the mean time You must prepare Yourself to suffer from time to time severe Pain, And place it all to the Account of that long Suffering which Mortality is destined to endure. You cannot expect to live in a World of Care and trouble, and be free from Anxiety and Inquietude; to be born to Affliction, to Sorrow and Distress, and yet feel no Pain. As this is the Condition of Humanity, it is true Wisdom to avoid repining, or Regrets at our Lot, and to bear Our ills with Patience and long-Suffering. Such a disposition of Mind finds Comfort in the most distressing dispensations of Providence; and particularly when it is attended with a Consciousness that our Sufferings have not been induced by our follies or our Vices. It is true that we do not always turn to a good Account these Sufferings: But it is our folly not to do it. If we suffer from our Imprudence or Vices, We very readily regard our Suffering as a Punishment; But If Providence *sends* Affliction, how should we regard it? Not as a Punishment, for no Crime has been committed: We must therefore suppose some useful end to be answered: That every such Affliction has a moral tendency: And I can conceive of none more useful end, than to teach to us the Virtues upon which our principal Happiness is bottomed, *Fortitude* in Adversity, and *Resignation* in Affliction. Besides this, such Discipline teaches us the frailty and perishable Nature of every thing appertaining to this existence; and prepares us to withdraw our Hopes of Happiness from the Objects of this World, and rest them upon the strong foundations of our Immortality. Our present existence is one of Trial and Moral Discipline; And altho like the young Soldier, we do not understand the Use of many evolutions and Manoeuvres, Yet We, like him know, that the Commander in Chief understands their Utility, and that they are all *intended* to make us good Soldiers. Your Rheumatism is intended to correct some Perversity or Propensity of your Nature; to teach You Patience, fortitude, Resignation and Hope; And my Dear friend, improve the Opportunity offered of profiting by your Affliction. For many Years I have thought that no Situation in life, whether of Prosperity or Misfortune, of Health, or Sickness, should pass away without some moral Improvement; that the Mind gradually accustomed to sober reflection,

would derive an useful lesson from every Vicissitude; And we are sad in times of ill-health or ill-fortune, because we generally pospone serious thought for a sick-bed, Miscarriage in business or Other Misfortune. I confess that for the little Philosophy which I possess, I am in a great Measure indebted to the continued Sickness in my family for many years after I was married. This produced a Sobriety of thought, which has ripened into a Habit, and transfused itself into all the Concerns and Conditions of my life. At a most fortunate Period for me, when my Mind was properly disposed to profit by Instruction, I met with the *Looker-On*,[1] And in the Letters of Eugenio on the Subject of education, I found lessons, which I shall never forget, because they came to my Aid at a Season so well calculated to make a lasting impression. That Authors ideas on the Subject of Practical Morality are worthy of every Man's attention who *desires his own happiness:* for many Men seem to have great benevolence for the World, who are enemies to themselves, And these are the most wretched of Men. As Charity ought to begin at home, so ought benevolence; And he that wishes to be happy must look into himself, examine the State and Condition of his Heart, find out what Passions give Pain, what stand in need of Restraint, and what of encouragement and exercise: to learn the strong and weak Parts of his Moral System, and by much Care and Attention, to establish an empire in his own Bosom, which shall call into Action and Yet control All the Passions, Propensities and feelings of his Nature. Every Man has a Rich treasure of Happiness within himself, And surely it is wise, to understand this Treasure, and learn to make a proper Use of it. *"Know Yourself";* this is true Wisdom, and he that knows himself will walk the Paths of Pleasantness and Peace, let the Affairs of the World go as they will; whether sick or well, prosperous or unfortunate, he is at Peace at home; he is at Peace *with himself.* But he who is a Prey to his Passions or his feelings, who has not felt the Influence of the Sunshine of internal Peace, will

[1]A bi-weekly periodical modeled after *The Spectator*, published in Oxford, England, 1792-1794. The greater part of it was written by William Roberts, an English barrister, under the pseudonym of "The Rev. Simeon Olive-Branch." It was reissued as volumes XXXV-XXXVII of Chalmers' *British Essayists.*

continue to be tortured or affected by every passing Occurrence; in Sickness he will be sad, in Adversity, melancholy, in health and Prosperity, vain, proud or insolent. Have You yet studied your Moral Character? Should I ask You what is your Characteristic Virtue or your predominant Vice, Could You immediately give an Answer? Let this be with You the Subject of anxious enquiry, and set about it with a determination to make improvement and not for the idle Purpose of Speculation: in your retired moments, along the Roads when travelling, in your Walks at home, in the bustle of business, every where and upon every Occasion may this enquiry be prosecuted; but it is only in Retirement or Solitude, that You can cast up your Gains and fix your Resolutions; there You can count up the Vices you have subdued, the Propensities which you have checked, the Virtues you have cherished, How many injuries you have forgiven, how many benefits you have conferred; And believe me, my Dear Friend, that this Celebration of a Triumph is more acceptable in the Sight of Heaven, than that of a Conqueror in Battle: And Yet We may enjoy this Pleasure, and reap these honours every Week of our Lives. I have not time to pursue these Ideas any further at present: I have snatched a few minutes from the business of the Court to write to You; Should I not go to Rockingham I will write to You again before I leave Court. It is probable that I shall see You on next Week. In the mean time Your business here shall be attended to in the best way in my Power. I filled up your Memorandum at Salisbury and will hand You the Papers when we meet. Mr. Stamps[1] will give you the News of the Court. Our Worthy friend Mr. Norwood[2] is much indisposed. He has a bad Cold and is very feeble. Do not mention this in such way as to give uneasiness to his family, for he will probably be well in a few days. Good fortune has continued to attend me round this Circuit: I wish the same to You and a speedy restoration of Health and Spirits. Farewell.

A. D. MURPHEY.

[Address:] Thomas C. Ruffin, esquire.
to meet him at
Caswell.

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[1]The bearer of this letter.

[2]William Norwood, who lived near Hillsboro, one of the most successful lawyers in the state.

From Archibald Haralson.[1] M. MSS.

CHAPEL HILL, September 13th. 1811.

D. Uncle

You have probably Received my letters addressed you immediately after the event[2] that has lately taken place here. In those I gave you a Circumstantial detail of facts, which led to the unfortunate affair. During these disturbances I acted in a Manner which I thought most prudent, and congenial to your Mind. Setting aside the impropriety of the procedure I never Could consent to barter, my interests, forfeit your favour and those happy prospects which it has placed in perspective, Merely for the purpose of destroying the Institution. Such Conduct would illy Requite you for your offices to me.

The business of College proceeds as usual with the few that Remain. Since the departure of the young Men I have felt a kind of Vacuity of time and mind which the most intense and diligent application to business Cannot fill up. I cannot account for it in any Other way, than that I have lost that Democles, that incentive to Superiority which Can Only be Cherished by parity of Situations and Conditions. Placed in Such a Situation I find Books to be the Solace of my life. I lay down Care when I take up a Book, not for Amusement, but for disquisition and the Pleasure arising from it.

I have long Since discovered the futility of my former Reading and am Resolved if possible to amend it. To this end I read those productions which are pregnant with enquiry, Such Men as leave the Chair when the Reader should Resume it. And altho I am frequently enveloped in Mistery, it abates nothing of that alacrity which prompts me to investigate, scrutinise

[1]Archibald Haralson (1792-1840), a son of Capt. Herndon Haralson, and a nephew of Murphey, studied at the University of N. C., 1808-1811, and afterwards at Princeton; became a lawyer and settled in Hillsboro; and moved to Chatham County and thence, in 1820, to St. Francisville, La., where he achieved success at the bar. His legal studies appear to have been directed by Murphey.—Herndon Haralson MSS.; letters from Mrs. Bertrand Haralson, of Natchez, Miss.

[2]One of the greatest of the many uprisings of the students in the early days of the University. Forty-one students were expelled, including all of the senior class except one.—*Raleigh Register*, Sept. 6 and 13, 1811. *Cf.* Battle, *Hist. Univ. of N. C.*, I. 188-189.

and pry into the depths of Science. You need not infer tho from this, that I have waded deep. I have had a young man living with Me this Session by the Name of Mangum,[1] possessing a Mind of a speculative turn and gifted with More than ordinary Sagacity. When we Read Authors we examine the propriety of their Reasons Sift and weigh their Arguments and the accuracy of their deductions. Tho excentricity and oftentimes absurdity Marks our discussion, yet we feel tolerably Confident of the benefits flowing from it. Tho our Contracted powers of Reason permit only to Skim the Surface, yet every time we have additional light. I am fond of Reading Hume, or as much of him as I understand. I am afraid of getting some of his Scepticism but better so than persue a Mode of Reasoning avowed by some bigots and Enthusiasts and Often embraced by wiser Men, who Argue against a fair discussion of popular prejudices because (Say they) tho they would be found without any reasonable Support yet the discovery Might be productive of the most dangerous Consequencies—which is as Much as to Argue, as if all happiness was not Connected with the practise of Virtue *which* necessarily depends upon the Knowledge of the truth. I can see no Reason why his productions, I mean his essays, should not Claim our attention and even admiration or why the prostitution of his talents (as is often alledged) should excite Regret. I have this Session Read Russeau, a part at least of his writings, and this woodland philosopher has had the *honor,* for he is very Seldom allowed any by those numerous dwarfs of intellect which infest every Country, of leading me into a Spirit of enquiry. I have just Received the American Review,[2] Conducted by Mr. Walsh; it Contains a great deal of useful and entertaining matter, both litterary and Political. I feel sensible that a perusal would afford you some Amusement, at any Rate give some Variety to the sameness of a dull hour. I would thank you to send me a pair of shoes and some money. I should not make this unreasonable Call if I had not purchased a ticket in the W. M. Lottery. Colo. Tay-

[1]Willie P. Mangum. See *post*; p. 323.
[2]*The American Review of History and Politics*, etc., begun in 1811 at Philadelphia.

lor[1] by his prevarications has put me off from time to time, until the present. Mr. Martin[2] the young man who will hand you this, is now without Home. If he Could live at the Old Dutchman's by your Home and make use of your library it would be Conferring a great benefit upon him.

Yours Respely.

A. D. Murphey Esq. ARCH. HARALSON.

To Thomas Ruffin. RUFFIN MSS.

Dear Sir.

I feel greatly obliged to You for your friendly Attention to my Interest in my business with Mr. Freeland.[3] You shall not suffer and your Kindness will be remembered.

I shall start in a few hours for Salisbury, and hope to meet with You At Stokes. Since I saw You fortune has favoured me at the Bar. I have made good Courts. Pray for me a little more, and perhaps this good fortune may continue. Tell Anne *How de!* We are all much better. Jenny thrives apace. I am in a great hurry and

Yours. Very truly,

Thomas Ruffin esqr. A. D. MURPHEY.

5th. Octo: 1811:

Do send the enclosed letter by the first safe Conveyance to Raleigh. If none offers earlier, send it by the Mail, and pay the Postage for me. Tell Mr. McNeil[4] to keep his Silver for me.

[Address: Hillsboro.]

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[1]John Taylor, steward of the University.

[2]Probably Coleman A. Martin, a student at Chapel Hill in 1810-1811 who went to Mississippi.

[3]See *post*, p. 65.

[4]George McNeil, a merchant of Fayetteville.

From Duncan G. Campbell.[1] M. MSS.

WASHINGTON [Ga.] 12th. Decr. 1811.

Archibald D. Murphey Esqr.

My Dear Sir,

The Superior Court having closed its session at this place on yesterday I find myself now sufficiently at leisure to communicate to you the result of my exertions in your behalf.

* * * * * * * * * * * * *

I had a pleasant jaunt from Greensboro' to this my adopted Country. At Salisbury, the day after I left you I met a number of the Companions of my youth. The Converse and Society of some of them excited friendships warmest emotions. Others manifested an indifference incompatible with common hospitality. Alfred Burton and Forney[2] met me with the open hand of cordiality. I always esteemed them. I will continue to do so.

The Case which I had so much at heart when I saw you, depending measurably upon a record from your State, terminated last week in our court in favour of the Plaintiff for whom I was ingaged. In this event, my vanity, which is excessive, was much flattered. I acknowledge my dear Sir, the signal benefit of your instructions as to the attestation of the exemplified copy of the Record.

I shall be pleased to hear as early as may be convenient if Mr. Ashe[3] has closed with my proposition as to the sale of my fathers possessions in the Hawfields.[4] Upon this subject I feel great anxiety. If some aid is not derived from that source I fear that the Consequent injury will not be easily repaired.

[1]Duncan Green Campbell (1787-1828), born in Orange County, A.B., University of N. C., 1807, settled in Georgia and became a distinguished member of the bar and of the legislature of that state, conspicuous for his advocacy of public schools and internal improvements. He was one of the commissioners appointed by President Monroe in 1824 who negotiated the treaty with the Creek Indians in support of which Georgia successfully defied the Federal Government. Justice John A. Campbell of the Supreme Court of the U. S. was his son.—Miller, *Bench and Bar of Georgia*, I. 115-137; *Raleigh Register*, Aug. 15, 1828.

[2]Alfred M. Burton and Daniel M. Forney.

[3]Pasquale Paoli Ashe.

[4]A plantation of about 500 acres, formerly the Campbell home. Murphey bought it from Archibald Campbell, father of Duncan, in 1812.—Orange County records.

The understanding between you and myself however, excites a confidence that relief will be timely experienced.

I did not I believe, give Mr. Russell any instructions as to the Sale of Anarchy which he will Consider decisive. My father has written him since my return, and presume a final arrangement has been made.

The Bill organizing a fifth judicial Circuit in our State has failed of success. Our friend Mr. Donoho[1] therefore, Cannot at this time meet the promotion which he so eminently merits. I saw him at MilledgeVille not long since in high health and spirits.

We have your promise to visit us next spring with your amiable family. I would that we could calculate with certainty upon a fulfilment of a promise which makes us feel so solicitous. The extended plan of your pursuits leaves us but little reason to hope that this happy event will occur. If I knew of any irresistable inducement I certainly would offer it. It is to me a Subject of Serious regret that the happiness of a family intercourse is not within our power. But to see you and Mrs. Murphey in Georgia will greatly compensate us for this deprivation.[2]

My fathers family is all in good health except my mother. She has been much indisposed for some time,—The effect of Cold.

I do not know precisely at what Stage of the game Sister Mary Anne and her beau are; but my own op[inion][3] you are welcome to. I think they are not far from m[atrimony][3]

Remember me, remember my family, remember us all to Mrs. Murphy—Mr. and Mrs. Scott.

I am
My Dear Sir
yours
very sincerely
DUNCAN G. CAMPBELL

* * * * * * * * * * * * *

[Address: Hillsborough]

[1]Saunders Donoho.
[2]For several years they had been thinking of visiting the Campbells in Georgia.
[3]The original is torn at these places.

From James Bradberry. M. MSS.

ST. STEPHENS WASHINGTON COUNTY
M[ississippi] T[erritory].
April 21st. 1812

Guardian friend

The inactive Condition of this Section of the Country in Its political sphere as well as the sterility of my own private affairs, for some time past has been the Occation of my Delay in writing to you and not from any want of attention in not Giving you such information as this country may afford both in a political and private view, conceiving it unnecessary to trouble you with a note Void of matter.

I saw a Gentleman the other day Immediately from St. Augustine who Informed me that East Florida was in a compleat state of insurrection, and that all the country about St. Augustine[1] was in the hands of the insurgents, "or as they call themselves Patriots" and Amelia Island was taken and surrendered into the hands of the federal Troops of the United states—and there is no doubt but Mobille and Pensacola will share the same fate in a few weeks, which no doubt will occation considerable action in this quarter during this summer, and all the Citizens of this part of the country are much gratified at the Idia of the United states getting Possession of this Southern Coast, as It is certainly of all importance to the citizens of this country.

I saw in a Northern paper the other day that the Bill for the admission of the Mississippi Territory into the Union had been ordered to the third reading. If it shonld pass It will in all probability divert my intentions from coming into North Carolina this summer, as I shall in all probability become a candidate for a member of the convention, and If so I shall confine my attention to this quarter—for perhaps there is no part of the world where party spirit runs higher than It does here, and as It will be an eventfull period in this quarter of the country, every exertion will be made on all hands, and as I have yet

[1]Written "St. Austine."

steered clear without taking a part on either side, I appear to be the favouret of both,—And have had the good fortune to meet with the patronage of several worthy citizens of this country among the number of whom I cannot forbear mentioning Col. James Caller whose conduct towards [me] has been more that of a parent and Guardian than of a Stranger. I will continue to make my place of residence at his house, and shall perhaps continue to do untill I otherwise settle myself. As a Lawyer I get a very Liberal portion of the business which is instituted in our courts, but the courts do not afford much business as yet—and expences are so very High in this country that It sweeps away a great Portion of the proffits but I am nevertheless gaining something.

I have never as yet received a single note from you or from any of my acquaintance except Mr. Little[1] altho I have written a number of letters to most of my acquaintance, yet I receive no answers in return. But I shall continue from time to time to give you all the information from this quarter which may in any manner be interesting. Two of the Indian Chiefs of the Creek Nation some weeks past threatened to make an attack on the settlements in this quarter of the country, but have since entirely desisted.

The emigration to this country has been very considerable during this winter and spring and I was informed by a Gentleman who reached this place yesterday that he past seven or eight Hundred persons now on the road from Georgia to this place.

Adieu! for the present and may the Heavens never cease to smile upon you.

JAMES BRADBERRY

A. D. Murphey Esqr.

[Address: "Orange Post office."]

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[1]Probably William P. Little, of Granville County.

To the Foreman of the Grand Jury for Orange County Court, May Term, 1812.[1]

Dear Sir,

As it is out of my power to attend the present County Court of Orange, I take the liberty of making known to you, and through you to the other Gentlemen of the Grand Jury, I am a candidate for the Senate in this County, at the approaching Election. It would be useless to trouble you with the reasons which have induced me to become a candidate: for in selecting a public servant, the people will not enquire, why he offers his services, but whether he is worthy of their confidence and patronage. If they should deem me thus worthy, I shall be proud to serve them; if they deem another more worthy, to him should they give their votes. I have no peculiar claims to the public favour above others, either upon the score of talents, moral worth or public services: But such claims as I have are, with diffidence, submitted to the good people of this County, who will, no doubt, pronounce a righteous judgment upon them, whether this judgment be favourable or unfavourable. If violence of party spirit be a recommendation, as many seem to think, I have nothing to offer upon this score: Having long since become convinced of the evil consequences flowing from party dissentions, it has been my endeavour, as far as my little influence extended, to conciliate rather than irritate parties; to think and to speak charitably of public as well as private characters, believing that an enlarged charity is as much a virtue in the Politician as in the Christian. Hence I have not been in the habit of attributing to either political party, exclusive virtue or exclusive patriotism; of believing one was always right and the other always wrong: For if in the common concerns of life, it is prudent to make enquiry and exercise our judgment, it seems to me to be something worse than folly, not to do the same in our political concerns. And when in the affairs of private life, we find the most wise and virtu-

[1]From the *Star*, Raleigh, June 12, 1812. This newspaper, published by Thomas Henderson, maintained a neutral attitude in politics at this period. The other Raleigh papers, Joseph Gales's *Raleigh Register* and Alexander Lucas' Raleigh *Minerva*, were Republican and Federalist respectively. There were no newspapers west of Raleigh.

ous men often going astray and acting with imprudence, how can we expect that any set of men in public stations will always act right? To surrender our judgment in political matters, will, to be sure, please the party in power, but it is to do an act unworthy of the high prerogative of a freeman. If then we exercise the right of judging of public men and of public measures, we discover, what the history of all ages proves, that in free states one party has generally as much public virtue as another, and that the party in power generally assumes to itself the pretensions to public virtue and political wisdom, and denies them to its opponents. As for the two great political parties which have distracted the U. States for fifteen years past, I have always entertained the belief, that they have both had the good of the Country for their object, and that they have differed only as to the system of measures by which this object was to be attained; and here it is proper for me to observe to you, that as to this system of policy by which the public good was sought to be obtained, I have coincided with the republican party except in some particular cases, where my judgment could not yield its acquiescence. Among the most prominent of these cases is the long continued restrictive system upon our commerce—the Embargo, the Non-Intercourse and the Non-Importation system; a system which having in view the laudable object of avoiding war with a foreign enemy, has endangered us with a war amongst ourselves, and induced evils greater than those it sought to avoid. Yet, notwithstanding these objections to the course of policy pursued by the republican party, I have approved the general principles upon which they profess to act, and of the man now at the head of that party in the government. I have great confidence in the honesty of Mr. Madison, and will support his re-election. In the present situation of our national affairs, it seems to me to be peculiarly necessary to cultivate peace and harmony amongst ourselves; and although I have always belonged to the Republican party, if elected to a seat in the Senate, I shall endeavour to serve the County and not a party.[1] It is certainly wrong

[1]In a letter to Gen. John Steele, the Federalist leader, written shortly after Murphey's election to the state Senate, William Boylan includes Murphey in an estimate of the strength of the Peace Party.

to Legislate for a party and not for the people at large; the people are the source of all power; they in their collective capacity constitute the sovereignty of the nation; each party should have its voice heard and its interest protected.

With great regard, I am,

Dear Sir, Your obedient servant,

A. D. MURPHEY.

May 24th, 1812.

To Thomas Ruffin. RUFFIN MSS.

RALEIGH. 11th: July 1812:

Dear Sir.

I have only one minute to write—much, very much business on the Docket,[1] no Causes yet decided, and a very long Session of the Court expected. I cannot get up to Mr. McCauleys,[2] on Saturday, I fear.

Mr. Nash[3] tells me, he will try to get his Sister in Newbern to purchase your Possessions in Hillsboro'. I mention this Circumstance,—You can make what use of it, You think proper. God bless You.

A. D. MURPHEY.

Thomas Ruffin esqr.

[Address: Caswell.]

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opposed to the re-election of Madison, in the next General Assembly, which was to choose Presidential electors. He says that the North Carolina Federalists should send delegates to a meeting to be held in New York on Sept. 15th "to determine whether to run a federal candidate for President, say Judge Washington, Pinckney or any other *proper person*, or support Dewit Clinton." Clinton had deserted Madison and his political friends to become the Federalist candidate, and many North Carolina Federalists distrusted him on this account. Boylan adds: "You will bear in mind that the Orange members, Cameron, Murphy and probably Holt, are pledged for Madison agt Clinton, but not *agt a federal candidate*. But then you will bear in mind that there are anti-electoral democrats, *who have come in thro' federal aid*, that may be prevailed on to vote for Clinton or some other republican, when they would probably be fearful of (whatever may be their wishes) openly supporting a federal Presidential candidate."—Boylan to Steele, Sept. 5, 1812, in collections of the North Carolina Historical Commission; Duncan Cameron, *Circular to the Freemen of Orange*, Dec. 25, 1812. For a note regarding the "anti-electoral democrats," see *post*, p. 63.

[1]The docket of the Supreme Court, of which Murphey was clerk.

[2]Matthew or William McCauley, who lived near Chapel Hill.

[3]Frederick Nash carried this letter.

From William Gaston.[1]

NEWBERN August 16th. 1812

My dear Sir

The returns from the different elections in our County were made yesterday. My majority is 135, and that of my political friends in the Commons 182 and 162. I make haste to give you the intelligence for I am sensible of the friendly interest you have taken in my election. Do gratify me by the information that Orange County is no longer misrepresented by James Mebane[2]—but that it has chosen for its Senator one whom I love and respect and with whom I promise myself the pleasure of an intimate association throughout the next Session.

In haste truly and affectionately yours

WILL: GASTON

[Address: Haw River]

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[1]Draft, Gaston MSS., in the possession of Miss Mary G. Hawks, of Summit, N. J. William Gaston (1778-1844), of New Bern, A.B., Princeton, 1796, was in the state Senate, 1800, 1812, 1818, and 1819; in the House of Commons, 1807-1809, 1824, 1827, 1828, and 1831, and speaker of the House, 1808; in Congress, 1813-1817; in the constitutional convention of 1835; and judge of the Supreme Court, 1833-1844. He was long the leader of the bar of the state and one of its greatest judges, a man of remarkable character, ability, learning, and patriotism. He was a Federalist and Whig.—Ashe, ed., *Biog. Hist. N. C.*, II. 99-108; *N. C. Univ. Mag.*, I. (1844) 49-59; *ibid.*, VIII. (1858-1859) 97-104; *ibid.*, X. (1860-1861) 193-203, 257-269; R. Strange, *Life and Character of William Gaston* (Fayetteville, 1844); *The Green Bag*, IV. (1892) 521-540.

[2]Mebane introduced in the last Assembly a bill to give to the Assembly the power of appointing presidential electors in 1812, a power which the people, voting by districts, had always exercised directly. The bill passed, and produced great excitement throughout the state. Its purpose was to throw the whole weight of North Carolina's fifteen votes into the scale of the Republican candidate, James Madison. The same scheme had been attempted unsuccessfully by the Federalists in 1798 in order to defeat Jefferson. The U. S. Constitution leaves the method of choosing electors to each State, and at this time some States entrusted the choice to their legislatures, some chose them by a single popular vote over the whole of the state ("general ticket"), as all do today, and a few had the district system. In several states a change of method had been made on the eve of an election to meet the needs of the ruling party in the legislature. But the people of North Carolina were too firmly attached to democratic principles to surrender their privilege, even for the sake of securing the ascendancy of the Republican party and giving the state its full weight in the Union, especially as the people of the western counties, under the existing state constitution, had not their due voice in the General Assembly. Most of the legislators who voted for the measure were therefore defeated

From Colonel Benjamin Williams.[1] M. MSS.

RETREAT[2] 16th. Septem. 1812.

Dear Sir,

Your letter of 8th Inst. came to hand yesterday. The Mail I suppose didn't return by Tysons but went the way of Haywood which has occasioned the delay. Our Mail being Weekly renders Correspondence tedious.

The representation of your Tract[3] is flattering to my view * * * I have more than 20 applications to purchase Land in different parts of the Country, a number of Tracts in Chatham, and at least half a doz|en| on Cape fear River between Fayette and the confluence of Haw and Deep Rivers nearly at the price they were going at 30 years ago; be assured I don't state this to you with views of lessing the value of your Lands, but to the view of shewing to you the emense quantity of Land which is offered for sale and that in consulting my trne interest it is my duty to make the best bargain I can, and realy my main Object in making a purchase in the interior of the Coun-

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at the polls in 1812, and, owing also to opposition to war with England, there was a decided increase of Federalist strength. Gaston and other members-elect petitioned Gov. Hawkins to convene the legislature in time to repeal the law and hold a popular election, but it was then too late. When the legislature met, the Federalists and "anti-electoral democrats" tried to prevent the appointment of electors by that body, and they procured the readoption of the district plan for the future and the passage of a resolution proposing an amendment to the Federal Constitution requiring that plan. The States did not accede to the proposal. Murphey was opposed to the act of 1811, and it probably brought him into politics. He was elected to the Senate in August, 1812, by an overwhelming majority (844 to 424) over James Mebane, a Republican, who had been senator from Orange since 1808 and chosen in 1811 without opposition.—Assembly Journals, Gov. Hawkins's letter-book, and newspapers of 1812, especially the *Carolina Federal Republican* (New Bern), Apr. 4, Aug. 15, Raleigh *Star*, July 3 and 31, Sept. 4, and *Raleigh Register*, Aug. 21, Sept. 11; Dodd, *Life of Nathaniel Macon*, pp. 161, 275, 282; *Annual Report of the American Historical Association* for 1896, II.

[1]Benjamin Williams (1752-1814) was a member of the Provincial Congresses of 1774 and August, 1775; an officer in the regular army and afterwards in command of a regiment of state troops during the Revolutionary War; member of Congress, 1793-1795; governor of North Carolina, 1799-1802, 1807-1808, elected four times to serve for annual terms; and state senator, 1807 and 1809.—Ashe, ed., *Biog. Hist. N. C.*, V. 467-473.

[2]His seat in Moore County.

[3]Two thousand acres near the Hermitage, recently purchased by Murphey.

try is more in the holding out to my Son an inducement to remain in N. C. than any solid advantages which may result from the cultivation of the soil, owning as I do considerably of Land in the Western Country, which I have fears in common with the rest of our people he may catch the rage to go to, believing as I do too that 20 years hence the Atlantic side of the U. S. will be found the most desirable residence.

* * * * * * * * *

With great regard and Esteem

Your Most Obt.

B. WILLIAMS

Please direct me what Road to take to your House.

[Address: Haw River Post Office.]

To James Freeland. RUFFIN MSS.

Dear Sir. HILLSBORO.' 26th: Sep: 1812:

Necessity compels me to solicit from You a little Indulgence for the Payment of the Instalment of my Debt to You for Mr. Lenox. Some time ago, I had made Arrangements to pay this Money before this time, and had gotten from Persons indebted to me Notes negotiable at the Bank upon which I relied with Certainty to get the Money: But You are perhaps, ere this, informed that our State Bank is doing no Business; not discounting Notes of any description. How long this Regulation may last, I know not, but I trust, not long. In no Other way can Debts of any Magnitude be collected here, but through the Bank, and untill Discounts are again made, I cannot raise Money, Unless I can sell Lenox Castle or some other Property. I feel much Anxiety about your Debt as I am a Stranger to You, and You may Not know the Reasons which delay Payment. It is a lamentable truth that Money was never so scarce in this State since the Revolution as at Present. I assure You that as soon as I can possibly raise the money, it shall be remitted to You. With great Regard,

Yours.

Jas. Freeland esqr. A. D. MURPHEY.

[Address: Petersburg, Va.]

From Archibald McBryde. M. MSS.

WASHINGTON 5th. Jany. 1813

My dear Friend

I have recd. a Letter from your Nephew Mr. A. Haralson acknowledging the rect. of $100. As I mentioned before I shall not want it till Chatham Supr. Court in March.

Since the passage of the bills for the relief of the Merchants and an increase of the Navy we have been engaged on Military bills. The one for raising 20,000 regulars for one year is now before the House and has given rise to a very full discussion. Yesterday Mr. Pitkin[1] went at large into the Policy of the war—the state of our Finances, and our foreign relations. The debate will probably be continued for some days.

During the sitting of the assembly I wrote to Genl. Cameron and Mr. P. Brown,[2] as I have not heard from them I fear they have not recd. my letters. I have also wrote to Judge Locke[3] to meet him at the Supreme Court. I hope it will reach him.

I am all anxiety to hear the fate of our worthy Treasurer.[4] Our last accounts stated his situation as extremely alarming.

Dear friend truly yours

A. D. Murphy Esqr. A, M,BRYDE

[Address: Raleigh, Care of Mr. Peck]

From Henry Y. Webb. RUFFIN MSS.

LINCOLNTON October 8th. 1812.

Dr. Sir.

I had not the pleasure of seeing you as I passed by your house on my return to Lincolnton.

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[1]Timothy Pitkin, member of Congress from Connecticut.

[2]See *post*, p. 80.

[3]Francis Locke, of Rowan County, judge of the Superior Courts, 1803-1814, and U. S. Senator, 1814-1815.

[4]John Haywood.

I had the good fortune to fall in with the Messrs. Longs[1] and had their Company to Salisbury which seemed to lessen the distance and rendered travelling loss irksome.

I have attended two Superior Courts on this circuit; they were the dulest I have ever seen. There is but little money afloat and those that have it know well its value.

The Bar are generally pleased with Judge Hall;[2] he does business with great dispatch; but if he had a little more patience on the bench some who are fond of long speeches and love to hear themselves talk would like him better.

Hulls[3] discomfiture has been the subject of general Conversation. Our boiling hot politicians have damned [him] as a traitor and many were in such a hurry for his condemnation as not to wait and give him a hearing—but those who wish to do justice to all men suspended their opinions until his communication to the Secretary of War came out and the most prevalent opinion now is that Hull is not a traitor—but took council from his fears and did not make that resistance which he might and perhaps ought to have made.

The recruiting service in this part of the State is compleately done.

Capt. Donoho is stationed at Morganton. He is much broken since he went to Georgia.

When I last saw you I had some expectation of being at Raleigh this fall but I have given out coming down.

Tell Mrs. Murphey I shall expect her to comply with her promise and that I am trying to perform mine.

Give my love to Her Mrs. and Mr. Scott. Accept of my best wishes and believe me your friend and obedt. Servt.

H. Y. WEBB.

A. D. Murphey esqr.

[Address: Salisbury]

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[1]Alexander and John Long, proprietors of ferries on the Yadkin River, in Rowan County.

[2]John Hall, of Warrenton, judge of the Superior Courts, 1800-1818, and of the new Supreme Court, 1818-1832.

[3]Gen. William Hull, who surrendered to the British at Detroit, Aug. 15, 1812. For this act he was courtmartialed and sentenced to be shot, but was pardoned by President Madison.

From Duncan Cameron. M. MSS.

RALEIGH April 1st. 1813

My dear Sir/

* * * * * * * * * * * * *

Stanford and Mebane have been here all the week; electioneering with all their might. The War-party in this city and county are doing all they possibly can to defeat Stanford; but I am certain he will get a considerable Majority in this county.[1]

Judge Harris[2] died on Monday at Lumberton. It seems he left home under the apprehension that he would not survive the circuit, as a complete suit of burial clothes were found in his trunk. The Governor cannot call the council in time to make an appointment for the balance of the spring-circuit.

In haste

Yrs. very truly

|Address: Salisbury.| DUN: CAMERON

From Edwin Lorrain. M. MSS.

NEW ORLEANS 1 May 1814.

My dear friend,

I have lately received a Commission from the President as Naval Officer for this Port. It is an office worth in times of Peace and free trade about $5000 a year. At present it is a support; so that I have no barrier between me and good fortune now but the yellow fever. It was an unexpected favor to me. I didn't even know of the vacancy.

Although I am sensible of all due thankfulness to those who on this occasion interposed their good offices in my behalf yet after all it is to *you* chiefly that I feel myself indebted for it.

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[1]Stanford defeated Mebane by a large majority in the congressional election, notwithstanding that he voted with the Quids and Federalists in the last Congress against war and measures for its prosecution.—*Raleigh Register*, Apr. 9, May 7, 1813; Dodd, *Life of Nathaniel Macon*, pp. 208, 222, 275, 276, 304.

[2]Edward Harris, of New Bern, a judge of the Superior Courts since 1811. Henry Seawell succeeded him.

It was you who enabled me to hold out who kept me in the capacity of *receiving* such advantages as it might be in their power to *bestow*. It was not only the aid you afforded me *in re* that bouyed me up. The confidence given to me from a consciousness of certain and cordial support however distant in point of place and the stimulus imparted by the flattery itself of your letters was every thing to me. I never had a letter from you but I felt that I was still something in the world and thought I must and would go on a little longer.

Give my love to Mrs. Murphy. Should Peace and Commerce come *forthwith* and there is a possibile chance even for that and Should I weather another N. Orleans summer, I may probably visit Virginia in the fall in which case it will go hard but I will spend at least one day at your house.

Yrs.

|Address: Haw River Post office| EDWIN LORRAIN.

To Thomas Ruffin. RUFFIN MSS.

HAW-RIVER. 9th June 1814:

Dear Sir.

* * * I have been very much gratified with the Company of Dr. Russel (an English Gentleman) on this Week. He came to see me on the Subject of a Professorship of Chemistry at the University. He is the Pupil of Darwin[1] and has been in his Practice the Associate of Drs. Biddon and Thornton.[2] He suggested a new Idea of my Wife's Complaint. * * *

Shall I answer Dr. Smith?[3] I have prepared a Caustic,[4] which I thought might eat down such a fungous excrescence. I send it for your Perusal. Shew it to Mr. Kirkland and tell

[1]Erasmus Darwin, grandfather of the great naturalist Charles R. Darwin.

[2]Probably Robert J. Thornton, a distinguished English botanical and medical writer.

[3]Dr. James S. Smith, of Hillsboro, a candidate for the state Senate against Murphey, afterward a representative in Congress.

[4]Printed in vol. II. pp. 14-18.

me whether I shall publish it. The Dr. preaches incessantly against me in the vilifying Style of his Letter.

I can't leave home for Stokes untill after the Arrival of the Mail on Sunday. You must wait for me. I shall proceed from Stokes across the Mountains.[1]

Yours. affectionately.

T. Ruffin esqr. A. D. MURPHEY.

[Address: Hillsborough.]

To His Wife. M. MSS.

RALEIGH. 8th. July 1814:

My Dearest Jane/.

I have written twice to you since I returned home, and I hope both of my Letters have reached you before this Time. My last was written from Hillsborough on my way to this place and forwarded by Capt. Philips,[2] who promised to pass at Evans's Ferry. By him I also sent a Letter to Mr. Saunders and a Prescription in the Case he mentioned. * * *

I cannot give you any further Account of the Situation of our family, having not heard from them since I came down: But as they were then all well, I hope they still continue so. Your Father is mending. At this place, Gentlemen of the Bar from all Parts of the State are attending and much business will be done. The Moravian Cause[3] will be decided I believe: and that will probably detain me several days longer than I expected to stay. When I leave here I shall travel through the County. My opponent is preparing another Address, I understand; and when issued, I will send it to you.

Although I am here more than one hundred and eighty Miles from you, I think more of you than of any thing else in the

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[1]He was about to take his wife to a health resort in Virginia.

[2]Abraham Phillips, of Rockingham County.

[3]A case of much interest and importance involving the title of lands of the Unitas Fratrum, or Moravian Church, in western North Carolina, which had been in litigation for thirty years. Murphey was retained by the Moravians in 1807, and in 1814 he obtained a decree from the Supreme Court in their favor. See Benzien v. Lenoir. 2 *Carolina Law Repos.* (4 N. C.) 117; *post*, p. 319.

World, And from day to day my hopes get stronger that the special Goodness of Providence will attend You during this Summer. When I reflect upon the many happy years we have spent together, the promising Children with which God has blessed us, and the Situation of our respective Parents, my Anxieties for your good Health and long life are always increased. I had a letter from my Father a few days ago, in which he expresses much Solicitude about You and says he fears that he will never be able to visit us again. He sends to You his kindest Love and begs that You will visit him when convenient. The Tender Anxieties which attend you from all our Friends should strengthen your Resolution, reanimate your Hopes and redouble your exertion. I have again consulted with your Physicians and they all give me such Assurances that I cannot doubt of your ultimate good health, if nothing extraordinary happens. Will you be able to spend the Summer beyond the Mountains? Can You cultivate Patience and fortitude to enable you to abide so long from home? Give to the excursion a fair Trial; let nothing be spared to improve your Health, And I trust that Heaven will second your efforts.

I have just received a Letter from Edwin Lorain. He writes to me that he has just received a Commission from the President of "Naval Officer" at New Orleans, which in times of Peace will be worth five thousand Dollars, and is at present a Support. The following is an extract,[1]

* * * * * * * * * * * * *

I rejoice at this good fortune of our Friend. He says there is no barrier between him and good fortune, but the Yellow Fever. He says he will probably visit us this Fall or Winter.

Remember me affectionately to our Friends on New River: And Believe me, Dearest Jane, that now and at all Times, you have my Prayers and best Wishes.

Your Affectionate,

A. D. MURPHEY.

Mrs. Jane Murphey.

[Address: Austinville, Lead Mines, Wythe County, Va.]

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[1]Printed *ante*, p. 68.

To His Wife. M. MSS.

HAW-RIVER. 24th July 1814:

My Dearest Jane/.

I have received three Letters from you, the last dated the 15th. Inst. It will be my good fortune, I hope, to receive a long Letter from you on every week. We all wish to see your Letter on Thursday morning and learn how you have improved in Health and Strength. That you should be able in the Course of a few Weeks to climb the Hills about New-River, and walk a Mile in the Morning without Resting, is a Proof that a great Change has taken place in your general Health. Every week will add something to the Stock of Health which you have gained: and the Summer will prove to You the best part of the Year.

Your Meeting with my friend Mr. V. Smith upon the Banks of New-River must have afforded to you much pleasure. He is a worthy young Man and he loves his Friends; and he has no friends who wish him more good fortune than You and myself. A little Incident, like that mentioned in your Letter, is long recollected, it goes directly to the Heart, and invests with an endearing tenderness the Object that produced it. I wish you could often meet with such friends from this Quarter, whilst you are wandering on the Banks of New-River; and that the Project, which you speak of, of writing some Romantic Story suited to the Scenery around You should be attempted. It will give Amusement, it will exercise the Imagination and Feelings, and stimulate the Currents of Thought. I have often indulged myself at a period when I had leisure, in composing Tales of Fiction. The exercise is agreeable and instructive.

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I hope Capt. Philips has delivered my Letters to You and Mr. Saunders, with a Letter and some Medicine from Dr. Webb. Mr. Bennehan has gone towards New-River, I understand; but along what Rout, I do not know.

And now with Respect to Our Children, Parents and Friends. I rejoice to tell you that they are all in good Health. Alexan-

der[1] has cut more Teeth. He was fretful for a few days; But not sick. He is quite well and so are all the rest of the Children. I sent for Moreau and Cornelia to see William. They have been here six days. I shall send them up on Tomorrow or within a few days. All Our Friends in Hillsboro' are well, and also those in Caswell.

My Harvest has been large and the Saving of my Grain tedious. This has necessarily kept employed all the Hands that could work out. Jude has not as yet spun the Thread you requested: But Mr. R[oane?][2] can spare her on this Week and she will be set to spinning. Our Affairs at Home go on as well as could be expected, and I hope you will be satisfied with their Condition upon your Return. Nothing has occurred in the family worthy of being particularly related: All things move on in their ordinary way.

Since my Return from Raleigh I have been riding through the County to see the People. I have been met with more Affection than I expected. I wish the election were over, as I am tired of the Trouble. On this Week I have to ride over all the lower end of the County, and I fear cannot return before this Night Week.

I hope you will stay untill September, when I will go out and accompany you home. I wrote to you upon this Subject in my last Letter. All the Children join me in Love to You. William, Moreau and Cornelia shall write by the next Mail. Present my kind Regards to *all* our Friends on New-River. God bless you, my Dearest Jane. A. D. MURPHEY.

[Address: Austinville, Lead Mines, Wythe County, Va.]

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[1]Alexander Hamilton Murphey, his youngest son, born Feb. 5, 1812. Yet in May, 1812, Murphey declared that he had always believed in the great principles of the Republican party. See *ante*, p. 61.

[2]Illegible.

To Thomas Ruffin. RUFFIN MSS.

RALEIGH. 24th. Nov: 1814:

Dear Sir.

Mr. Meilan[1] has told me of his Wish to be naturalised at Orange County Court, and has explained to me the Reasons which render such an event very desirable on his-Part. I hope you will be able to effect his wishes. The business can be so managed, that no Opposition will be made. I feel greatly concerned for him and shall be truly glad to hear of his being naturalised.

We have yet done Nothing,[2] and we shall do Nothing Untill the elections are over. We were to have balloted for a Judge on this Morning, and When the Managers came into the Senate to superintend the Balloting, Col. Branch[3] moved to reconsider the Vote of the Senate agreeing to ballot on this Morning; Alledging that Many Members wished to look out for some Other Candidate, to commune together and determine Whether any Other Person should be nominated. A Caucus is the Consequence. It is now siting. I have discovered it by mere Chance. The Caucus will avail Nothing as to this election: for a great many Republicans declare openly, they will not follow Suit upon this Point. Cameron will be elected.[4] But the Caucus has other Objects in View. A Sub-Caucus sat a few Nights ago, and resolved, 1st. that Wm. Miller[5] should be nominated for Governor—2dly. Genl. Davis[6] to take the Chair and 3dly. James Mebane be supported for Senator.[7] Opposition to Cameron was thought vain at that Time. Some Difference of

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[1]A. Meilan, the bearer, who had been sojourning in Hillsboro.—Meilan to Ruffin, Oct., 1814, in Ruffin MSS.

[2]The General Assembly met Nov. 21st.

[3]John Branch, a Republican. See *post*, p. 144.

[4]Judge Locke resigned from the bench in February, 1814, and Duncan Cameron was appointed temporarily by the governor and Council of State to fill the vacancy. Cameron was nominated for the office on the third day of this session, and he was elected Nov. 30th without opposition.—*Raleigh Register*, March 4, 1814; Assembly Journals.

[5]Speaker of the Commons. See *post*, p. 79.

[6]Thomas Davis, borough member from Fayetteville.

[7]There was a vacancy in one of the North Carolina seats in the U. S. Senate, occasioned by the resignation of David Stone on Nov. 21st.

Views has since taken place, and I now understand, it will be proposed tonight, to abandon Mr. Mebane, and put up George Outlaw.[1] This is a Maneuvre to help Miller: for Outlaw wished to be the Governor himself. Many of the most respectable Republicans disapprove of this Course, and seem to be ashamed of the Idea of confining the high Honours in the Gift of the Legislature, upon such Men. Among these are our Friend Clark[2] and a few Others. I have urged them to put up Genl. Wyns[3] for Governor and Judge Locke for Senator, and as far as I could, assured them of the Support of many of my friends. I do believe, no Opposition would be made, were these Nominations made.[4]

And now, my Dear Sir, who do you suppose, lead the Van of the Republicans in the Legislature? (I should say, Caucus, for I see every thing is to be first determined there). Ill tell You. They are Wm. Williams of Warren, Col. Branch, and John Craig.[5] What is the State to come to, when its Offices are to be filled under the Directions of such a Cabal? As an instance of their Bitterness, Col. Pearson[6] was in Nomination and balloted for today as a Brigadier Genl. There was no Opposition: and the whole Brigade wished him elected. Yet nearly one third of the Members did not vote at all, or put in Bl[an]ks. We have fallen indeed upon evil Times—and the true Source of all Our evils is this puting into Office incompetent Men. The Good of the Country and its Honour are forever made subservient to Party Ambition. Republican Government administered upon these Principles must necessarily sink by its own Contemptibility. Should an Opportunity offer this Session, I shall come out and speak the Language of plain Truth upon this Subject.[7] I write you all this in Confidence. It is all literally true and you may muse upon it.

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[1]Speaker of the Senate, from Bertie County.

[2]James W. Clark, senator from Edgecombe.

[3]Thomas Wynns, Senator from Hertford.

[4]Miller was elected governor, Locke senator, and Frederick Nash speaker of the House.

[5]A member of the House from Orange.

[6]Jesse A. Pearson, a prominent Federalist. See *post*, p. 282n.

[7]*Cf.* Vol. II, p. 14. Murphey often said that North Carolinians of his day did not sufficiently appreciate their men of ability and that they denied them political preferment. This was partly due

I believe the Government is upon the Brink of Dissolution. New England is determined upon her Course and I see nothing that can arrest it. Augur no Good from the Vote of New-Hampshire and Vermont. All the Northern States will confederate and having amended the Constitution, leave it to us to unite with them or not.[1] The Public Credit is gone, and I fear there are not Talents in the Administration or in Congress to revive and reestablish it.[2] Treasury Notes are selling under the Hammer at $77. Bills on the War Department that have been accepted, are protested for Non-Payment; No Money to pay off Soldiers and Sailors etc. My Spirits are depressed. I see nothing but Ruin and Confusion before us. It convinces me of one thing, that incompetent men appointed to Office will ruin any Country; and will ultimately ruin the Cause of the Republican System of Government. God bless you.

A. D. MURPHEY.

Thos. Ruffin esqr.

[Address: Hillsboro.']

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to the fact that nearly all of the ablest lawyers and other educated men were Federalists, while the people were thoroughly democratic, and partly to sectional jealousy on the part of the eastern counties and their control of the General Assembly through an unequal system of representation. By the defeat of the Federalists Wm. R. Davie, Archibald Henderson, Wm. Barry Grove, John Stanly, and Wm. H. Hill in the congressional elections of 1803 their party organization was crushed, and was never successfully rehabilitated. Davie left the state. In 1814 probably no Republican in the State except Macon was so well fitted for public office as Henderson, Grove, Stanly, Steele, Pearson, and Gaston, yet none of these men could hope for the governorship or a seat in Congress except Gaston, who had recently gone to Congress from a Federalist stronghold after meeting defeat in the elections of 1810. No North Carolinians of this period were cabinet officers or foreign ministers because the state was regarded as a political appendage of Virginia, whose course she would certainly follow.—H. McG. Wagstaff, *Federalism in North Carolina* (*James Sprunt Historical Publications*, 1910, IX., No. 2), pp. 12, 22-23; Ford ed., *Writings of Thomas Jefferson*, VII. 440; Raleigh *Star*, Aug. 7, 1812 (letter of "Another North Carolinian," referring to "the misguided policy that refused to profit by the talents of a Moore, a Davie, and a Gaston"); vol. II, pp. 176-177.

[1]*Cf.* W. R. Davie's views, in Wagstaff, *Federalism in North Carolina* (*James Sprunt Hist. Pub.*, 1910, IX., No. 2), p. 43.

[2]Although Murphey had lost faith in Madison, he was a leader in the General Assembly in devising measures for a vigorous prosecution of the war. See *post*, p. 77.

To Thomas Ruffin. RUFFIN MSS.

RALEIGH. 1st. Dec: 1814:

Dear Sir.

If my wife be in Town, I beg you to send to her the Letter which accompanies this. If she be not, put it in the Office for Haw-River.

Our elections are over. The Papers will inform You of the Result. Mr. Miller has gone to Warrenton. He will return and qualify in a few days. I can tell you some things about the election, which I can't write. Miller got the Appointment by the better Maneuvring of his Friends. If the election had been posponed one day, Outlaw would have been certainly elected. Upon this Occasion, I'll tell You in Confidence, I could not vote for either of the Men. Several of my friends were in the same Situation. I felt the Obligation of Duty too much, to give my Vote for a Man, whom I thot totally incompetent, as I think both Messrs. Miller and Outlaw to be. Several of us urged Genl. Wyns to offer. But he saw the Current of his political Friends set in favour of Miller and he could not be prevailed on to offer. Col. Polk[1] would not have offered, if he would have served. Judge Locke positively refused. He wrote to me that he would not, if elected. We tried Mr. Clark, and Genl. Stokes.[2] Col. Polk would have yielded to either.[3] We are in a bad Way. Yet I have determined to give every Confidence to Mr. Miller, and have drawn a Bill and sundry Resolutions relative to the Militia and the Purchase of Arms which place at his disposal at least $120:000. If I have time on Tomorrow I will descend to some detail. I posponed Writing untill this evening, and now friends and business press so much on me, that I have not Time.

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[1]William Polk, a Federalist. See *post*, p. 147.

[2]Montfort Stokes, clerk of the Senate. See *post*, p. 127.

[3]Miller, Polk, and Outlaw were the candidates for the governorship. After the first balloting the committee which conducted it reported that Miller had 95 votes, Polk 83, and Outlaw 10, and that one ticket was blank. Apparently because less than 189 voted, the Senate declared that "In consequence of some accidental mistake happening in the last balloting for a Governor" it did not concur with the report. Polk's name was withdrawn before the second balloting.—*Senate Journal*, Nov. 29, 30, 1814.

I beg your Particular Attention to the enclosed Papers. Capt. Young[1] placed them in my hands under a hope that the Legislature would pay the Money. The Subject is before a Committee and as far as I can judge, the Legislature will not pay Claims of this description, Unless the Genl. Government should refuse to pay:—At all events, if the Legislature should assume the Payment, the Accounts will have to be audited as the Accounts of the last Session and Payment will not be made untill some time after the Rise. In the mean time I have made diligent enquiry as to the best Mode to be adopted by Capt. Young to get his Money. Col. Pearson has given me the most satisfactory information and Col. Atkinson[2] being equally conversant in the business can aid Capt. Young in stating his Account. Col. Pearson advises that Capt. Young should state the Account and certify that the Articles therein contained were furnished upon his Requisition when in the Service of the United States: and at Norfolk get the Col. who was to command him had he gone on, to approve the Acct. and countersign it, and then present it for Payment to the Quarter Master at Norfolk. There is no Quarter Master for this State: and as the Troops were intended for Norfolk, Col. Pearson thinks, the Quarter Master there will pay the Acct. I return the Papers to Capt. Young that he may take this Course. If the Genl. Government will not pay such Accounts, the State will make Payment, no doubt; and Provision will be made, if possible, before we adjourn for this Purpose. I beg you to explain all this business to Capt. Young, and to tell him that I will serve him with Zeal in this or in any other Case, where his Interest demands it. I wish he had his Money; but it is out of my Power to get it for him now. Tell him he has my best Wishes for himself and all his Men.

Give my Love to Anne and all the family. Farewell.

A. D. MURPHEY.

Thos. C. Ruffin esqr.

[Address: Hillsborough.]

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[1]John Young, captain of troops recently detached from the North Carolina militia and mustered in the service of the United States.

[2]Richard Atkinson, senator from Person County.

To Governor Miller.[1]

GERMANTON. 16th. March 1815.

Dear Sir,

Genl. John Hamilton of Guilford has requested me to write to You upon the Subject of a Judgment lately recovered against him in Wake Superior Court, for a failure to make his Return as Brigadier General; And I write in conformity to his Request with more pleasure in consequence of General Hamilton's peculiar Situation. He is not only in the decline of Life, but in fact in the last Stage of Existence, labouring under a Complication of Diseases. The Suit was commenced by Genl. Jones during the last Year of his Acting as Adjutant General, And General Hamilton grounds his Application to Your Excellency for Relief against the Judgment, upon the fact that he had resigned his Commission as Brigadier General three or four Years anterior to the Time when the Suit was commenced against him. I cannot state to You the precise date of his Resignation, but it was early, I believe, in the Year prior to the Appointment of Genl. Abraham Philips of Rockingham, who succeeded him in the Command of the Brigade. By referring to the date of Genl. Philips's Commission, You will ascertain, pretty nearly, the Time of Genl. Hamilton's Resignation. He assures me that during his Command he was punctual in making his Returns, and as to the fact that no Return was made in the Year in which he resigned, he thinks that he ought not to be censured nor fined:[2] He gave Notice of his Resignation to Genl. Philips, then the Senior Colonel in the Brigade, and He tells me that Genl. Philips took Steps immediately to make Arrangements for taking the Command. It is certainly true that General Hamilton was an active Officer, and that his Brigade were as well, and I believe, better trained and dis-

[1] A. L. S., in collections of the North Carolina Historical Commission. William Miller (?-1825), of Warren County, was attorney-general of North Carolina in 1810; member of the House of Commons, 1810-1814, and its speaker, 1812-1814; governor, 1814-1817; state senator, 1821-1822; and charge d'affaires to Guatemala in 1825, where he died.—Ashe, ed., *Biog. Hist. N. C.*, IV. 328-331.

[2] Gov. Miller remitted the fine "upon the representation of Archd. D. Murphey, Esq."—Miller to Gen. Robert Williams, Apr. 8, 1815, in MS. letter-book of Miller, N. C. Hist. Commission.

ciplined than any in the State: And he has an additional Claim to the favour of his Country, that he was an active Whig during the Revolutionary War. Under these Circumstances he appeals to the Discretion of your Excellency and solicits your Attention to his Case. Should you feel justifiable in remiting the Fine which has been recovered, he will feel himself under Obligations to Your Excellency, And He hopes that Your Views of his Case will incline you to make this Remission.

I congratulate you upon the Restoration of Peace. I hope this fortunate event will lead to a Harmony among Political Parties; that the Feuds which have distracted our Country will be buried and that all will unite in an anxious Endeavour to foster the Prosperity of the Nation and appreciate the Blessings which Providence has bestowed upon Us. I regreted very much to see a Publication which lately appeared in the *Minerva*[1] upon the Subject of your Call upon the Militia: and I also regreted that any of your Friends should have deemed it worthy of an Answer. Such publications, by furnishing Matter of Levity and Reproach, tend to lessen the Respectability of the Executive Authority, And I never see them without serious mortification. You have my best Wishes for a prosperous and honourable Administration and for your private as well as public Prosperity.

With great Regard, I am, Dear Sir,

Your Obt. Sert.

His Excellency, A. D. MURPHEY.

William Miller Esqr.

From Peter Browne.[2] M. MSS.

Dear Sir

I filled up the note you sent me with the 14th. of March. It was drawn at ninety days. Please to inform Messrs Rainey and Holt of this in order that they may be punctual in their renewal.

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[1]The most influential Federalist newspaper in the state, edited by Alexander Lucas, in Raleigh.

[2]Peter Browne (1764 or '65-1832), a native of Scotland, began to practice law in Windsor, N. C., about 1796, removed to Halifax a

Would it not be a good plan to get Mr. Nash to offer for Hillsboro' and Mr. Ruffin and Mr. Holt, or some other respectable planter, together with yourself, for the county. Mr. Nash will always be a dead weight on you, as I am told, and if Ruffin offered on the Federal ticket against Craig, he would be abused by the Democrats and be a Federalist. With proper exertions there must be a Federal majority in the Legislature. In Edenton and Halifax Districts there will be a considerable addition of Federalists. This *entre nous;* for I might seem meddling.[2]

I am with great esteem

Your obedt. Servt.

RALEIGH P BROWNE

Ap. 11, 1815

[Address: Haw River]

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year or two later, and soon became leader of the state bar. He represented Halifax in the Assembly, 1812; was chairman of the first internal improvement commission, 1815-1818; and one of the commissioners appointed in 1825 to prepare a system of public instruction. He was an influential Federalist. About 1813 he moved to Raleigh. In 1818, having accumulated a large estate, he returned to Scotland, but he went to Raleigh again in 1821. A will of Murphey dated Dec. 29, 1819, contains this provision: "To Peter Browne esqr. I bequeath the best Wishes of my Heart: And enjoin it as a Duty upon my Children to Remember him with Affection and Gratitude."—D. L. Swain's address in R. S. Tucker, *Early Times in Raleigh* (Raleigh, 1867), pp. 26-29; Moore, *History of N. C.*, I. 431, 494; Murphey's will, in Ruffin MSS.; Duffy MSS.

[2]In the last Assembly James Child was the member from Hillsboro, and the county's representatives were Murphey in the Senate and John Craig and Frederick Nash in the Commons. All were nominally Republicans. Browne's scheme, it seems, was that Nash, an ardent Republican, should be candidate in the town because, being an able man and a good speaker, he gave strength at the last election to other decided Republican candidates in the county; and that Ruffin, who, like Murphey, was somewhat independent, and Isaac Holt, a Federalist, should be Federalist county candidates for the Commons. But the former representatives were all reëlected except Child, whom Ruffin succeeded. Isaac Holt married a sister of Mrs. Murphey. He represented Orange County in the lower house in 1812.

To Thomas Ruffin. RUFFIN MSS.

WENTWORTH. 1. June 1815:

Dear Ruffin.

* * * * * * * * * * * * *

Our Friend Tucker[1] is elected to the Virginia Assembly. He was put up on the day of Election.

Mr. Scott[2] will give you the News here. I entreat your friendly Assistance in selling Debow's Property.[3] I hope the Bank will come into the Measure without Delay.

Give my kindest Love to Anne. There are very few Persons in this world to whom I am more tenderly attached. Accept, Dear Ruffin, the best Wishes of

Your Friend.

Thomas Ruffin esqr. A. D. MURPHEY.

[Address: Hillsborough.]

From Peter Browne. M. MSS.

Dear Sir

I think it is very possible that some of the subscribers to the Newbern and Cape Fear Banks,[4] being, (as I understand you have been), disappointed in obtaining the number of shares they wanted, may be disposed to part with those they have got; if you should meet with any such, and can procure their shares on reasonable terms, I will allow you whatever you give. It is not a matter on which I set much value and therefore I by no means wish you to give yourself much trouble.

I would have staid at Lenox Castle until I had seen you; but I was under the necessity of being at a court in Virginia.

I am with great respect

Your obedt. Servt.

RALEIGH P BROWNE

Sept.—1815

[Address: Haw River.]

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[1]George Tucker, of Danville, Va.

[2]Thomas Scott.

[3]Murphey was surety for the payment of a large debt of his cousin Solomon Debow, of Danville, to the State Bank.

[4]Under an act passed in 1814 $575,000 was added to the capital stock of the Bank of Newbern, and $525,000 to the capital stock of the Bank of Cape Fear, making the total capital stock of each bank $775,000.

To Thomas Ruffin. RUFFIN MSS.

Dear Ruffin.

I hurried home from Randolph under the Hope that I might find Mr. Scott[1] still alive: I got home late last Night, and did not hear of his death Untill I got home. He died a few Minutes after I left him on Monday Morning.

I send down Ned,[2] thinking Perhaps you may have returned from Raleigh. If you see him drop me a Line by him and let me know what was done upon the Note: If you got a Check upon Salisbury, enclose it by Ned.

I can't get Lot Egmond as an Overseer. He had engaged with B. Yancey. I wish you would consult with my Brother[3] and engage me a good Overseer at Caswell. In fact I should like to get two—One to take Charge of the Plantation at Rainey's,[4] and one at home. I want Men who understand making Tobacco. If I could get such, I would direct all my force that way, during the next Year. A Young Mr. Eskridge lived with Capt. Haralson some time Ago. He was much approved of. Perhaps he could be got for my Home place. A Man with family would best suit the Other place. The Overseer for the latter place I wish to engage upon Shares, the other either upon Shares or for a stated Sum. But as my force will be divided, I cannot give a very high Price. I submit this to You. When I see you at Stokes, you can tell me what is done. My Wife is much indisposed.

Yours. Affecty.

6th. Octo: 1815: A. D. MURPHEY.

[P. S.] Send the enclosed Letter. How are Mr. Norwood's family? Have you heard from the Judge's[5] family?

[Address: Hillsboro'.]

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[1]John Scott, Mrs. Murphey's father.

[2]A negro slave.

[3]Alexander Murphey. See *post*, p. 134.

[4]2000 acres in Orange formerly owned by William and Benjamin Rainey. Murphey sold this land to Jeremiah Holt in 1816.

[5]Henry Seawell, of Raleigh, judge of the Superior Courts, 1811, 1813-1819, and 1832-1835, frequently a member of the Assembly, and a U. S. commissioner under the Treaty of Ghent in 1823.

To Governor Miller.[1]

PITTSBOROUGH. 16th Nov: 1815:

Dear Sir.

At the last Superior Court in Rockingham County, Wm. Chaffin Welsh was convicted of Horse Stealing and sentenced to be hanged on Friday the 24th Inst. I was assigned Counsel for the Prisoner, and as he is a Stranger in these Parts and has no Friends to apply to Your Excellency on his Behalf, I deem it my Duty to make the Application myself. Judge Cameron promised me to certify to You a Statement of the Evidence, and Mr. Thomas Ruffin promised to see you upon the Subject when he went to Raleigh. The Prisoner has been confined in Jail since early in the present Year, and that is perhaps the only Circumstance that I can urge for a Pardon. He has been confined in the most loathsome Prison in the State, and during great Part of the Time of his Imprisonment, he has been in Irons. His Sufferings have been as great as those of any Man who has been imprisoned. I know Nothing of his Character: He is a young Man and I expect he is much depraved. I feel very unwilling to see a Man of his Age hanged for Horse Stealing, and the Jury who tried him, when they returned their Verdict, recommended him to Mercy.

Mr. Ramsay[2] will be in Raleigh earlier on Monday than I can be, and he is good enough to say, he will wait upon your Excellency with this Letter as soon as he reaches the City. If you should think proper to grant a Pardon, an Opportunity will probably offer on Monday evening of forwarding it to the Sheriff of Rockingham.

With great Regard, I am, Dear Sir,

Your Obt. Sert.

A. D. MURPHEY.

His Excellency,

William Miller, Esqr.[3]

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[1]A. L. S., collections of the N. C. Historical Commission.

[2]John A. Ramsay, of Pittsboro.

[3]The ancient system of sanguinary, public, and excessively severe punishments for crime had given way but little in North Carolina to the advance of morals and intelligence and the idea of imprisonment as a primary punishment and means of reformation. The statute book bristled with capital felonies; inferior offenders still suffered

To Thomas Ruffin. RUFFIN MSS.

HAW-RIVER. 28th. Sep: 1816:

Dear Ruffin/.

Since my Return from Chatham Court I have had such a continued Succession of Company that I have not been able to write to You Untill this Hour (11 O Clock at Night, When my Friends are all safe and sound in Sleep). I dispatch the bearer with this Letter and some Silver which I wish you to take to Raleigh for me. My Note is renewable on Monday and I beg you to get Mr. Kirkland to indorse it and take it down with You. * * *

I was much gratified this evening to see Our Friend Love.[1] Mrs. McCay[2] and himself arrived early in this evening, and go on Tomorrow. All Tolerably well.

Yours. Affectionately.

Thos. Ruffin esqr. A. D. MURPHEY.

I beg you to present my affectionate Regards to Mr. Brown.[3]

A. D. M.

[Address: Hillsboro'.]

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mutilation, branding, whipping, and the pillory; and the bulk of those committed to jail were accused persons awaiting trial and debtors. Public opinion, however, had long disapproved this system. Injured persons were often loath to prosecute and juries to convict, and governors granted pardons liberally. In 1810 a bill to erect a penitentiary, a proposition which had been before the Assembly as early as 1791 and again in 1805, was defeated only by the casting vote of the speaker of the Senate. In his message of Nov. 29, 1815, Gov. Miller, perhaps influenced by Murphey, made a vigorous plea for alterations in the penal code, which was referred to a committee headed by Murphey. The committee's bill was indefinitely postponed. Subsequent legislatures frequently considered these subjects, but reforms came slowly. In the following year Murphey procured the adoption of measures for improving the condition of prisons and abolishing branding, and he introduced a bill to abolish imprisonment for debt. Among the papers of Governors Miller, Branch, and Holmes are no less than 20 applications for pardon in Murphey's handwriting, nearly all of which were granted. In many of these cases the jury and solicitor-general also recommended pardon.—See *Raleigh Register*, Dec. 2, 1805, Nov. 29, 1810, Dec. 22, 1815, Jan. 2, 23, 1818; Raleigh *Star*, May 10, 1811, July and August, Nov. 24, 1815; Frank Nash, Address on William A. Graham, in *Publications of the N. C. Historical Commission, Bulletin No.* 7 (1910), p. 61.

[1]William C. Love.

[2]Love's mother-in-law, the widow of Judge Spruce Macay.

[3]Peter Browne.

Petition for the Pardon of a Horse Thief.[1]

To His Excellency William Miller Esquire, Governor of the State of North Carolina.

The Petition of the Subscribers

Respectfully shews,

That at a Superior Court of law held for Guilford County in October 1816, John Weeden was convicted of the Crime of Horse Stealing and sentenced to be hanged. Your Petitioners shew that the Jury who tried him recommended him to Mercy, and We your Petitioners, respectfully join the Jury in our Request to your Excellency to grant a Pardon to the said Weeden. This Case has nothing peculiar, which we could point out as furnishing a Ground for Clemency, distinct from the Common Cases of Horse Stealing: But Your Petitioners entertain the Belief that the Punishment affixed by Law to this Offence is too severe, and however much the Situation of the Country many Years ago rendered such Severity necessary, that the Morality and improved Humanity of the Citizens of the State at this Time, have dispensed with such Necessity. Your Petitioners beg leave further to add, that the Frequency of Pardons granted for this Offence seems not to have produced any ill effect in the State, but has been approved of by the Judgment as well as the Feelings of all the Community. We entreat your Excellency to grant a Pardon to the said John Weeden. 24th October 1816:

To Governor Miller.[2]

LENOX CASTLE. 3rd. Nov: 1816:

Dear Sir.

Meeting at this place with Mr. Bressie on his way to Raleigh with a Petition to Your Excellency to pardon his Wife, I can-

[1] A. D. of Murphey, with signatures of 66 grand and petit jurors, in collections of the N. C. Historical Commission. Endorsed: "Granted." By an act of 1817 horse-stealing as a first offense was made a clergiable felony, punishable by burning the hand, whipping or fine, and death continued to be the penalty for the second offense.—Laws of 1790, chap. 12; Laws of 1817, chap. 2; Laws of 1816, chap. 20.

[2] A. L. S., in collections of the N. C. Historical Commission.

not resist his Request of adding my Solicitations to those of many Others, that you would grant a Pardon. * * * The man who was concerned with her in the Burglary, was convicted only of the Larceny. They severed in their Trials, and the Man's Wife was examined against Mrs. Bressie, and upon her evidence, she was convicted. The Idea of seeing a handsome Woman, the Mother of twelve Children, hanged by the Neck, is so revolting to the Feelings, that Nothing short of the most dreadful Necessity can reconcile us to it. I differ from many of my Friends upon the Subject of Pardons. Whilst we have no Penitentiary, I wish to see Pardons granted, except for the most atrocious Crimes. I am well convinced that Not only the Feelings but the good Sense of the People at large approve of such Pardons.

With great Regard, I am, Dear Sir,
Your Obt. Sert.

His Excellency, A. D. MURPHEY.
William Miller Esqr.

From Judge Duncan Cameron. M. MSS.

Novr. 24. 1816

My dear Sir,

I do myself the pleasure of introducing to you, James Bruce Esqr. of Halifax Virga. He is one of the Directors of the Roanoke Navigation Company, and visits Raleigh on the business of the Board. I know you will endeavour to make his time pleasant—and I have assured him that in you, he will find a sincere, efficient friend to Navigation and internal improvement.[1]

My Children are taking the measles—and some of them are very sick. It is quite uncertain whether, and when I shall be at Raleigh. I hope soon to hear from you. At any rate write by Mr. Bruce or his servant. Yrs. truly.

DUN CAMERON

[Address: Raleigh.]

[1]At the last session of the General Assembly Murphey proposed his comprehensive plan for State aid to transportation.

From Judge Duncan Cameron. M. MSS.

ORANGE Nov. 27th. 1816

My dear Sir,

I had the pleasure of receiving your letter by Mr. Dickins's[1] servant on Monday; and sincerely thank you for your friendly attention to me.

The details you have given me, are interesting, because they are on subjects in which we all have a common Interest.

I had not heard before the receipt of your letter, that Mr. Toomer[2] would be in nomination for Judge. But I am of your opinion, that a combination between the friends of Messrs Branch and Yancey, will make the former the senator and the latter the Judge.[3]

Of this I feel very certain, that however wide the Schism may be among the friends of the democratic Candidates for the appointment of Senator; yet they will unite in solid column against any and every federalist who may be put in nomination for that office. If so, the result cannot be doubtful.

I have already my dear friend, stated to you, with Candour and Sincerity, that I have no ambitious feelings to be gratified by political preferment; even were the way open before and free from all difficulty. Judge then how unwilling I must be to be thrown into a general scramble among the numerous pretenders to the Appointment—whose Maxim is, "ask nothing and get nothing; ask every thing and *perhaps* get some thing." No; it wont do. You must take the best of *their* men; for that office, you cannot get one of *your own*. It will be useless to make the attempt; and so far as it regards *myself* I hope it will not be made. I know that I have in the Assembly some excellent friends, whose partiality for me is greater I fear than I deserve. They have as much of my affection and gratitude, as if the highest political honours were conferred upon me by

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[1]Samuel Dickins, of Person County, a Federalist recently elected to Congress in Murphey's district to fill the unexpired term of Richard Stanford, deceased.

[2]John DeRosset Toomer of Fayetteville, afterward a judge and state senator.

[3]Leonard Henderson had resigned from the bench and James Turner from the U. S. Senate. The Assembly elected Joseph John Daniel as judge and Montfort Stokes as senator.

their Agency. But they cannot by their zeal overbalance the weight against them in numbers.[1] I trust my friends will not connect my name with that Appointment.

So soon as I shall hear of the final election of a Judge in the place of Mr. Henderson,[2] I shall send my resignation enclosed to Mr. Ruffin whom I am happy to see is in the chair.[3] Is there in your opinion any just ground for believing that any change for the better will be made during the present session in the Judiciary? Should the Supreme Court be detached from the Circuit Courts, and my friends wished it, I would continue a member of that Court, if elected; but I am *finally* done with the Circuits.[4]

I am glad to hear that Mr. Chapman[5] has resigned. I wish he had done so twelve months ago. 'Twould have been much better for himself and for the University. Mr. Caldwell and the Committee of Appointment, will I presume open an official Correspondence with Dr. Neil, the Gentleman with whom he has inofficially corresponded, on the subject of the presidency. I sincerely wish Mr. Caldwell would resume the presidency himself—or if he does not, that the next Choice may be better than the last.

I promised Col. Robt. Love of Haywood, to draft a memorial to Congress, on the subject of the unsatisfied claims which the citizens of this State have for lands in Tennessee—which claims have been defeated by Acts of Congress and of Tennessee in violation of the plain terms of the Cession Act. I had commenced the draft, but not owning, or being able to procure the Acts of Congress necessary for the elucidation of the Subject I have been compelled to stop, and am unable to finish it.

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[1]In 1815 the House of Commons was said to consist of 62 Republicans and 55 Federalists.—Niles's *Weekly Register* (Baltimore), Dec. 9, 1815.

[2]Leonard Henderson, of Granville County, brother of Archibald and John Lawson Henderson, was a judge of the Superior Courts, 1808-1816, and of the second Supreme Court, 1818-1833, and chief-justice, 1829-1833.

[3]Thomas Ruffin was the new speaker of the Commons. On Dec. 14th he was elected judge to succeed Cameron. John D. Toomer and Blake Baker were also in nomination.

[4]See *post*, p. 99n.

[5]Rev. Robert Hett Chapman, D.D., president of the University of N. C. See Battle, *Hist. Univ. of N. C.*, I. 239-240.

Col. Love will be at Raleigh as an Elector. Will you make this Circumstance known to him—and may I add to your many labours, by soliciting the favour of you, to draft the Memorial for him which will not take up much time. The Acts of Congress necessary for the purpose, you can readily command in Raleigh—and I enclose you a Copy of the Act of Tennessee, and Col. Love's remarks which he gave me last Spring. This *new* trouble to you is indeed a verification of the old proverb—"that a free Horse is always rode to death." I wish you a better fate![1]

I wrote you on Sunday, a hasty letter introducing to you Mr. Bruce of Halifax Va. I then mentioned the sickness of my family. The measles are among them, and they are very sick. I fear we shall have much trouble. I think from the present appearances I shall not be able to visit Raleigh during the present Session. I could have wished to have done so—to have seen many of my old friends. Tell Nash and Ruffin not to forget the promise they made of writing to me. My best respects to them. Pray let me hear from you as often as practicable. God bless you.

I remain

Yr. affectionate friend

[Address: Raleigh.] DUN: CAMERON

To Thomas Ruffin. RUFFIN MSS.

RALEIGH. 22d.[2] Dec: 1816:

Dear Ruffin.

I thank you for your Affectionate Letters, and wish I had time to Answer them in the way they merit. At present I am unfit for Writing, having sat up nearly all last Night to prepare the Business for today. On today I make a Report[3] on

[1]This subject was referred to a joint committee of the General Assembly of 1816, and a memorial to Congress was drafted by Frederick Nash, the chairman. Murphey was a member of the committee. See *post*, p. 124.

[2]This letter was written on the 23d, as the 22d was Sunday and the convention report it refers to was made on the 23d.

[3]Printed in vol. II. pp. 56-61. This report proposed a constitutional convention for changing the system of representation in the General Assembly and other purposes.

the Convention. It will be rejected, but it will draw the public Mind to the Subject. My Report[1] on Education made a few days ago has been well Received; and I fear this is the Only Part of my Labours this Session, that will eventuate well. A formidable Opposition has been organised to all the Navigation Bills,[2] in the House of Commons, and I calculate that before Night they will all be laid aside, or so Amended as to become dead Letters. The Penitentiary was sacrificed on Saturday to the Jealousy which exists between this Place and Fayetteville. I think We shall not Rise before Thursday or Friday: probably not before Saturday. Nothing finally acted upon since you left us, but the Penetentiary Bill and the Due Bill Act.[3] We are going on smoothly, but the Itch for Speaking grows upon Us and delays us very much.

As to my Coming to Hillsboro', I can't say much just now. If I can sell a considerable Portion of my Property I will certainly remove to that Place.[4] There is one Letter Only in the Office for You: that I enclose with your three last *Intelligencers*.[5] I will attend to your Draft on behalf of Genl. Pearson, and get your Commission.[6]

I have written to my Wife to come down on Wednesday and meet me in Hillsboro'. I wish You would write her a Letter by Isaac[7] and press her to come. She is sick and low spirited.

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[1]Printed in vol. II. pp. 49-56. The first of the two reports which won for Murphey the title of "father of the common schools."

[2]See vol. II. pp. 33-47.

[3]This act (Laws of 1816, chap. 6) directed the state treasurer to issue $80,000 of negotiable treasury notes for the payment of the State's subscription of stock in the State Bank.

[4]Ruffin, before his recent election to the bench, was Murphey's chief competitor at the Hillsboro bar. At this time Murphey was in the beginning of financial troubles which culminated in ruin five years later. In addition to other debts, he had incurred an indebtedness of $14,000 to the State Bank, of which $9,000 was due through suretyship for Solomon Debow and $5,000 was the purchase price of Debow's property in Danville, Va., sold at auction by Ruffin in July, 1815, as trustee for the bank; and in September, 1815, he made a trust deed for all his estate, worth about $50,000, to Ruffin and William Kirkland, to secure the payment to the bank of notes endorsed by them. The trust deed was never given practical effect. Murphey lost $24,000 as surety for Debow.—Ruffin MSS.; Murphey MSS.; Orange County records; *post*, p. 220.

[5]The Washington *National Intelligencer*.

[6]As a judge of the Superior Courts.

[7]The bearer, a negro slave of Murphey's.

All your Friends are well. Remember me kindly to Anne, and tell Mr. Kirkland Nothing but Want of time prevents my Writing to him. God bless you.

Yours Affectionately.

Thos. Ruffin esqr. A. D. MURPHEY.

[Address: Hillsboro'.]

To Judge Ruffin. RUFFIN MSS.

AT COL. JONES'S.[1] 15th. Feby: 1817:

Dear Ruffin.

* * * * * * * * * * * * *

I wish I could sell two thirds of my estate for a Reasonable Price: I would gladly do it. I have much Need this Year for a Mind free from Anxiety: I have to write over all my Reports,[2] attend to my Concerns and draw up a System of public Instruction. This last Subject requires much more Attention than I can possibly bestow upon it; And as my Character will be much at Stake, I feel concerned to acquit myself to the Satisfaction of the Public.

In a few days you will set out to act a part upon a new Theatre. My best Wishes accompany You, and I pray that in the Discharge of the high Duties to which you are called, your Reputation may continue to advance, as it has heretofore, And that your Country and your Friends may have additional Cause to be proud of You. I know your Ambition, and am confident no exertions will be wanting on your Part. What you have chiefly to guard against, is an excess of Irritability. Pray write to me Often.

* * * * * * * * * * * * *

[Address: Hillsboro.]

[1]Near Pittsboro.
[2]Law reports. See *post*, p. 239n.

To Judge Ruffin. RUFFIN MSS.

SALISBURY. 11th. April 1817:

Dear Ruffin.

I enclose a Letter which I received here on Wednesday. I expected to forward it to You by Mr. Burton, but he left here unexpectedly. Since you set out upon your Circuit, I have spent many pleasant hours in your Family; my Wife went down and a Rain coming on, we stayed two or three days. Anne had rather too many of her Friends upon her hands at Once. They all met together by Accident, and I feared her Fatigue would affect her Health. She was very cheerful, and I expect her Letters have given you a particular Account of all the Family Occurrences and News of the Town. As to my own Family, my Wife's Health is rather worse than when I saw you last. I had a Letter from her on Wednesday, in which she mentions her Apprehensions of being confined by ill Health to the House. As soon as I return, I will endeavour to travel her to Fayetteville or to the Mountains. I fear that her Spirits will get depressed; and if this should happen, her Situation will be deplorable. Unfortunate all her Life in her Health, I fear she will never know the pleasure of being sound and well. My Children are all well and so are Mrs. Scott and Mr. Scott and Family.

I have sold my Danville Possessions. Upon going over to that place a few days after you left Hillsboro', I found Majr. Cabbell[1] there waiting to see me: and as my Coming was known, there was a large Collection of people, to purchase and to look on. Such a fever I never witnessed. Capt. Haralson had industriously blown the flame, and I sold out for $22:100. Majr. Cabbell's Purchase amounted to $19.000. The two Lots which I purchased at the lower end of the Old Field, I sold to Dr. Dabney for $1600. and a Lot near the Middle of the Old Field, which cost me $53, I sold for $1500. I understand Majr. Cabbell on his Return to Lynchburg was offered $10.000 for his Contract. This is a Bubble and will soon burst.[2] Poor

[1]Benjamin W. S. Cabell, of Lynchburg, Va.

[2]The great rise in the value of this property, which Murphey bought for $5,000 in 1815, was due to the opening of the Dan River for flat-boats by the Roanoke Navigation Company, and the company's plans for further improvements. See *ante*, p. 91; Vol. II. p. 86.

Marable, who speculated in Lots and Lands a few days before I went over, is deranged. Of Particulars I will inform you, when We meet.

The Circuit thus far has been as profitable as I had expected. All your Friends at the Bar, well, and in good Spirits. Mr. Badger[1] acquitted himself handsomely at Hillsboro', and has given very general Satisfaction to Your Clients. I expected him here, but I expect the Death of our lamented Friend Henry Chambers,[2] has determined him not to attend this Court. Perhaps Caswell will be a better Court for him.

I have frequently heard of You on the Circuit; and it gives me great pleasure to learn that You have rendered Yourself popular with the Bar as well as the Community at large. Your Patience and Attention to business are highly applauded. If I had never before, been convinced of the excellence of Patience and calm Discretion in a Judge, the Events of this Circuit would have produced this Conviction. Our worthy Friend Judge Hall, (always hitherto too impatient) has evinced an irritability and Captiousness (I don't know any other Word that expresses my Idea) which has rendered the Circuit rather disagreeable. I have never yet been the Object of it; but it is so obvious to the Multitude, that it is complained of by the Common People And You may well guess what are the Feelings of the Bar. We all respect him and love him; Yet regret, much regret, that he has not more Apathy, or rather, more philosophy. My Dear Friend, watch over your Feelings, and never let the Judgments of the Court seem to be the Result of captious Peevishness, instead of deliberate Reason. We have more than once had Occasion to wish for the Patience, although coupled with the Dulness, of another Judge of our Acquaintance. At this place most unfavourable Accounts have reached us of the Impatience and haughty Conduct of Judge Seawell. He is said to carry things with a higher hand than ever. This is

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[1]George E. Badger. See *post*, p. 119. Ruffin met him in the last Assembly, in which he represented the town of New Bern, and invited him to take his cases and pursue the practice of law in Orange County, Ruffin having been elected to the bench. He accepted this offer and removed to Hillsboro. At this time he was twenty-one years of age.

[2]Dr. Henry Chambers, of Rowan County, also a member of the last legislature.

doing irretrievable injury to the Bench, detracting from the Dignity which should accompany the Administration of Justice, and will have the effect of rendering the Superior Judicial Officers, odious. In this Government it is a Tyranny, which is totally incompatible with the manly Spirit which should be cherished at the Bar and Among the People. I feel seriously concerned about it, and some Consultation should be had among the Judges upon the Subject.[1] Your good Sense, Your Ambition to be useful, and Your Reverence for the Bench will keep you aloof from such Weakness. I trust in God, you will long live, to do honour to Our Bench, and to exalt the Reverence which should be paid to the Administration of the Laws. I feel more anxious for your fame than that of any Man upon Earth; and I pray, that you may long live, to be a Blessing to Your Country, your Family and Your Friends. Farewell, my Dear Friend. I hope we shall meet before long, when I can tell you many things that I can't write.

Yours. Affectionately.

A. D. MURPHEY.

Honbl. Thos. Ruffin Esqr.

[Address: Lincolnton.]

From John Huske.[2] M. MSS.

FAYETTEVILLE August 5th. 1817

Dear Sir,

Since writing you yesterday I have had a conversation with Mr. Cochran,[3] who saw and conversed with the President and Cashr. U. S. Bank; he thinks it material to our interest, that it should be shown that the State would be as generally ac-

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[1]Marginal note: "This is confidential."

[2]Written on the blank leaf of a printed folio memorial of Fayetteville business men submitting the claims of that town to the location therein of the branch of the new Bank of the United States which was to be established in North Carolina. The Assembly of 1816 had requested Congress to pass an act for establishing such a branch, and Murphey had voted for the measure. The branch bank was located in Fayetteville, and Huske became its president.

[3]Robert Cochran. See *post*, p. 143.

comodated by the location here as at Raleigh, and adds, that a memorial from Hillsboro and Salisbury would assist us materially.

We do not know how Newbern stands affected, but are fearfull, her influence will be thrown in the Scale for Raleigh.

Your Obt. Servt.

[Address: Orange County.] JNO HUSKE.

To Judge Ruffin. RUFFIN MSS.

PITTSBOROUGH. 25th. Sep. 1817:

My Dear Friend.

I received your kind Letter from Richmond at this place, and it contained some things so appropriate that I shewed it to our Friend the Judge.[1] From some Cause or Other, he is much altered. He is on this Circuit one of the most agreeable Judges that we have had on the Circuit. We have conversed freely and I think he is convinced this is the proper Course. The Change in his Manner is observed with Pleasure by all the Bar. I did as you directed at Hillsborough, dined and drank Tea with him at your House. We have the Prospect of an Agreeable Circuit; thus far it is not profitable to any of us. Mr. Jones[2] and Mr. McIver[3] have brought us pleasing Intelligence from your Circuit, and it gives me pleasure to tell you that Mr. A. Henderson[4] in a Letter to Judge Seawell speaks in high Terms of the Manner in which you have discharged your Duties upon the Circuit. To me, who loves you with all the Affection of a Brother, these things give peculiar pleasure; and I know they will be agreeable to You, who knows so well how to estimate public Opinion, and to set a Value upon the good Opinion of respectable Men.

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[1]Seawell.

[2]The Solicitor-General.

[3]Probably Duncan McIver, of Moore County.

[4]Archibald Henderson, of Salisbury, whom Murphey pronounced "the most perfect model of a lawyer that our bar has produced." See Vol. II. p. 352.

At Hillsboro' all is preparation among our Friends for Jenny's[1] Marriage. I wish her well and hope she will live happily with her Husband. He will never be eminent, but he will be respectable. The high Renown of the Family rests with You; And I was truly gratified to hear the Terms in which Mr. Kirkland spoke of you when I last saw him. Persevere, my Dear Friend, and you will reap the rich Rewards of all your Labours. You will have Received from Anne the Account of your Family affairs. I admire your little Son William: he has a fine Genius and will tread in your Steps, if he live. I got well acquainted with him on last Week.

I will diligently attend to all the Matters and things contained in your Letters. A few days Ago, I Received from Mr. A. Ruffin[2] the Money on his Bond to Mr. Starbuck. * * *

I will meet you in Fayetteville, if I live. I hope this sickly Season will not affect you. We are healthy in Orange; but on the Yadkin it is very sickly, I understand.

I will write to you again in a few days. At this place we are much hurried. Judge Seawell goes home and we are labouring to let him off. God bless you.

A. D. MURPHEY.

Honbl. Thomas Ruffin Esqr.

From Peter Browne. M. MSS.

Dear Sir

My intention of visiting Europe, if not of removing there, next Spring renders it important for me to settle all my affairs here in such a manner as to have them completely at my command without my personal attention. I have judged that the best way of effecting this object would be to vest all my money in the public funds or Bank Stock, except what I might take with me. These considerations induce me to wish that you could settle with me during the next Session of the Legislature or the Supreme Court, in order that I may have time to dis-

[1]A daughter of William Kirkland. She was married to Robert Strange, of Fayetteville, who became a judge and U. S. Senator. See Wheeler, *Hist. Sketches of N. C.*, II. 130.

[2]Archibald R. Ruffin, of Stokes County.

pose of the money before I leave this. I hope this will be perfectly convenient for you; for I can assure you that there is no man living whom I would be more loath to put to the least inconvenience.

I would willingly receive any Bank Stock at the market price: and you will oblige me by informing me, as soon as you can, whether you will pay in that or in money.

I am, with great respect,

Your sincere friend,

RALEIGH P BROWNE

Oct. 6, 1817

[Address: Haw-River Post-Office.]

To Judge Ruffin. RUFFIN MSS.

GREENSBOROUGH. 20th. Octo. 1817:

Dear Friend.

I cannot attend the Superior Court at Fayetteville this Fall. At this place I received a Letter from my Brother,[1] informing me that my Father is very ill, and that Dr. McAden[2] thinks he will live only a few days.[3] It is necessary that I should go to his House without delay, And probably may be detained several days when I get there. * * *

Thus far we have had a very pleasant Circuit. It will, no doubt, continue so to the end. We are all tired, and I expect you are so too. Our Friend Badger is with us. He fell in at Salisbury and will go on to Rockingham. I hope he will meet with encouragement in this Part of his Circuit. I have had him at my House, and shall take him there Again as soon as possible. My Dear Friend, my Prayers and good Wishes constantly attend You. Yours. Affectionately.

A. D. MURPHEY.

Honbl.

Thomas Ruffin esqr.

[Address: Fayetteville.]

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[1]Alexander Murphey.
[2]Dr. John McAden. See *post*, p. 172n.
[3]His father died Oct. 25th.

To Judge Ruffin. RUFFIN MSS.

RALEIGH. 17th. November 1817:

My Dear Friend.

I reached this place at half past 12 O C. and after some time spent in looking about, I am domesticated (at least for the present) in the Room occupied last Session by our Friend Henry Chambers. I am not pleased with my Situation and shall probably change it. Mr. Gouche had failed to fix up his Office.

The Houses met at 3 O C. and were both full. The same Speakers,[1] Clerks and Door Keepers, who served at the last Session, have been again appointed without Opposition. Col. Branch delivered a handsome Address upon taking the Chair. He will be elected Governor, I think. Col. Holmes,[2] Col. Burton,[3] Govr. Hawkins[4] and Mr. Yancey are all talked of; but it appears to me that there will be no Opposition. I have conversed with several Members, who all are disposed to support Col. Branch. I wish the election gotten over without much Noise, as we shall have many things to engage Our Attention of much more importance than the election of Governor, and Harmony, is, above all things, desired by me. From the general Appearance of the two Houses, I think, the Legislature is respectable.

In six or eight days I will begin to develope my Projects. I wish to see Mr. Stanly[5] and come to an Understanding with him before I attempt any thing—for he is to govern the House of Commons. My Projects relate

1. to the Judiciary—to get a Supreme Court with three Judges—and if we fail in this, to add two more Judicial Districts.[6]

[1]John Branch in the Senate and James Iredell in the House. Bartlett Yancey soon succeeded Branch, who was elected governor.

[2]Gabriel Holmes, of Sampson County, governor in 1821-1824.

[3]Hutchins G. Burton, borough member from Halifax, governor in 1824-1827.

[4]William Hawkins, of Warren County, governor in 1811-1814.

[5]John Stanly, the brilliant Federalist representative from New Bern. For Murphey's opinion of him, see Vol. II. p. 354.

[6]The operation of the judiciary system was defective mainly in that the arduous duties of the judges in the Superior Courts prevented due investigation and consideration of cases in the Supreme Court,

2. to Internal Improvements. And as to these,
    1. to create a fund of $1.000000—to consist
        1. of the Bank Stock belonging to the State.
        2. of the Navigation Stock.
        3. of the unsubscribed Stock in the State Bank. And, if practicable, to add other Sources of Revenue, so that the Amount shall not be less than a Million.

And to pay for this unsubscribed Stock, to appropriate the unappropriated Monies in the Treasury, and such Surplus from Year to Year as shall remain in the Treasury after paying the Civil List and Contingent Charges of the Government.

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which was held by the same men. It was complained also that conference between the judge who tried the case on the circuit and his brother judges inevitably influenced the determination of appeals, although the former could not, after 1814, sit on the trial of an appeal from his own decision. The Supreme Court had grown out of an act of 1799 passed primarily for the purpose of trying in a special court certain state officers charged with fraudulent issuance of land warrants. It had no appellate jurisdiction until 1810. Until then there was no distinct state court of last resort, none whose exposition of the law could give uniformity to the decisions on the circuits, where no court felt bound by the precedents of another. In 1814 and 1816 a great accumulation of business in the Superior Courts induced unsuccessful attempts to increase the number of judges and judicial circuits. In 1817 Gov. Miller's comments on the subject were referred, on Murphey's motion, to a joint committee of the Assembly. Senator Yancey, chairman of the committee, submitted a report on Nov. 26th proposing to establish a Supreme Court of three judges other than those who presided in the Superior Courts, to be held in Raleigh and in "some convenient place in the upper part of the state where the counties are more extensive, and the cases more numerous," and to which pending equity cases might by consent of parties be removed for trial. The bill for this purpose was defeated. The provision for original equity jurisdiction was designed to relieve the crowded dockets of the Superior Courts. A few days later Murphey introduced a bill to establish fifteen chancery courts, arranged in three circuits, to appoint a chancellor for each circuit, to transfer permanently to these courts the equity jurisdiction of the Superior Courts, and to make the chancellors the judges of the Supreme Court. This bill also failed.—Laws of 1799, ch. 4; Laws of 1801, ch. 12; Laws of 1804, ch. 18; Laws of 1805, ch. 1; Laws of 1806, ch. 1; Laws of 1810, ch. 2; Laws of 1814, ch. 13; printed and MS. legislative records of 1814, 1816, 1817; *Taylor's Reports* (1 N. C.), preface (1802). See also Swain's Tucker Hall address, in Tucker, *Early Times in Raleigh*, pp. 21-26; Chief Justice Clark in *The Green Bag*, IV. (1892) 459-460; W. H. Battle in *N. C. Univ. Mag.*, IX. (1860) 386. *Cf. post*, p. 121.

This plan will require an Arrangement with the State Bank: And I intend to move for a Committee to confer with a Deputation of the Stockholders on the Subject. The State to be limited in her Vote in the Appointment of Directors.[1]

3rdly. Public Education. And as to this,

1. to create a Fund, to be made up
    1. of Monies arising from Entries of Vacant Land.
    2. of a Tax on Notes and Bills of Exchange negotiated at the several Banks in the State. The Tax to be proportioned to the Amount of the Note.
    3. of a Tax on Stills.
    4. of a Tax on Carriages.
    5. of a Tax on Auctioneers.
    6. of a Tax on Pedlars.
    7. of a Tax on Wholesale and Retail Stores. And Other Revenues which may be found expedient to appropriate to this Object.

4th. the University. To pass an Act for the better Order of that Institution. I cannot state Particulars—but it will arm with Authority a few Men whose duty it shall be to visit the Institution and dismiss disorderly Students, and bind to the Superior Court such as deserve Punishment at the Hands of the Civil Authority.

I have several Other minor Projects, which I will inform you of in due time.

As to Internal Improvements and Public Education,[2] I propose to constitute a Board of six Men with the Governor at their Head, to manage the Revenues set apart for these Objects, and to execute such Plans for Public Improvement and Public Education, as the Legislature shall direct.

In this Way Work will be carved out for a long Session. I have done nothing yet, but write this Letter to You.

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[Address: Hillsborough.]

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[1]See Vol. II. p. 87.
[2]See Vol. II. p. 63.

To Judge Ruffin. RUFFIN MSS.

RALEIGH. 30th. Nov: 1817:

Dear Friend.

I did not know untill the Moment David Stokes called on me to bid me Farewell, that he should go by Hillsboro; I have therefore only Time to beg you to get a $5. Stamp[1] and with Mr. Kirkland indorse it, and forward it to me by the Mail of Thursday. I have to renew on next Week. I enclose $5.

On yesterday I submitted the Report on Public Education.[2] It has cost me great Labour since coming to this place, having all my Ideas to Arrange and then write out in rough, and lastly to transcribe. I know not how the Plan will be approved. I bequeath this Report to the State as the richest Legacy that I shall ever be able to give it, not that it contains much Original Matter; indeed the Subject did not admit of it. But it probably contains An Arrangement of Ideas already familiar, that may serve the Public Interest. On today, the Work of Internal Improvements will be taken up, And during the Week A Report will be submitted on the Subject.

We have a Legislature of more harmony than I have ever seen before. The election of Governor comes on in a few days. I still think Col. Branch will be elected.

The Judiciary Bill is very uncertain in its fate. I enclose you a Copy of it. Give Anne my Congratulations on the Birth of a Son. Tell Miss Mary and Miss Sally, *How de*, and all Mr. Kirkland's Family the Same.

Yours. Affectionately.

A. D. MURPHEY.

Honbl. Thos. Ruffin esqr.

[Address: Hillsborough.]

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[1]The Federal stamp-tax on bills, notes, etc.

[2]Printed in vol. II. pp. 63-83.

From Treasurer John Haywood. M. MSS.

RALEIGH 12th March 1818.

Dear Sir,

Your favour of the 7th Currt., at Fayetteville, was brought me in course of the Mail, and for it I would here offer to you my Thanks. I am glad to find you have been with the Commissioners[2] for improving the Navigation of the Cape Fear; and more so to learn, that you have now adopted such strong and effectual Measures as cannot well fail to operate the clearing and making Navigable that River, above Fayetteville and to the Fork. Should Branson[3] succeed in getting the proper Men and a sufficient number of them, and should the Summer favour the Work, I am persuaded much will be done towards opening the River: unfortunately, however, I fear you will be under the necessity of commencing the Work without the assistance of an Engineer, and of course without that Plan and System, which would probably accelerate the business and insure its success.

Mr. Paginaud[4] has answered our Letters, and declines the Employment offered him; at least for the present. He wishes to return to France on a Visit to his Mother and family, and hopes to be permitted by that Government to do so. He has also formed a Connexion with some of his Countrymen who are about to make Settlements in the western Country, and feels himself in honour and duty bound to attend to that business, in some degree:—So that, upon the whole, it would seem that

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[1]"Treasurer John Haywood" (1755-1827), so called to distinguish him from his cousin Judge Haywood, was state treasurer, 1787-1827, a trustee of the state university from its foundation until his death and first mayor ("Intendant of Police") of Raleigh. He was noted for his sound judgment, integrity, benevolence, and hospitality, and is said to have been long the most popular man in North Carolina. A town and a county were named in his honor.—Ashe, ed., *Biog. Hist. N. C.*, VI. 282-288.

[2]Haywood, Peter Browne, Joseph Gales, Sr., William Boylan, and Murphey, appointed by the Assembly to have surveys made of rivers and routes for canals and to employ a state engineer. See Vol II. pp. 30, 46, 85.

[3]President of the Cape Fear Navigation Co. See *post*, p. 137.

[4]A Frenchman who had been offered the position of state engineer.

this Gentleman is so circumstanced, for the present, that we have not much prospect of profitting through his Services, for some time yet to come, if at all.

In addition to the pressing want of an Engineer on the Cape Fear, I am advised, through a Letter from Mr. Baker,[1] just received, that the Commissioners appointed for that purpose wish the assistance of such Officer in making another Survey of the Albemarl; preparatory to the Visit of Genls. Swift and Bernard, on the part of the general Government, which is to take place in May next, as I understand.[2]

Upon the whole, although the responsibility of the Commissioners may well be considered great, as much is dependent on their exertions and proper and successful Selection of an Engineer; and as the great Businesses in which this Officer is to be employed when had, have long been and are still suffering exceedingly from delay, I know not what we had best do. Mr. Browne[3] has not yet returned from his Southern Excursion, nor do I learn when we may expect him; but shortly I suppose. You are absent, and we know not when you will again be here; and without your assistance, I do not believe any effectual Measure will be taken by the Commissioners; at least, I know that through the last year, nothing valuable was effected by us.[4]

Mr. Gales[5] has a Letter of the 26th Ulto. from Mr. Seaton,[6] in which both sides of the question of the advisability of our employing Mr. Latrobe[7] are discussed, in handsome sort, as it appears to me: and after saying much pro and Con, that Gentleman winds up by rather giving it as his opinion, that we should do well to employ Latrobe. He is not at present employed on the Buildings carrying on at Washington, but is superintending the large Exchange Building at Baltimore. Mr.

[1]Blake Baker, president of the commission for procuring surveys of sounds and inlets. See vol. II. p. 40.

[2]Gen. Joseph G. Swift was chief of the U. S. Engineer Corps, and Gen. Bernard was in the same service.

[3]Peter Browne was chairman of the river and canal commission.

[4]Murphey did not become a commissioner until December, 1817.

[5]Joseph Gales, Sr.

[6]William W. Seaton, son-in-law of Joseph Gales, Sr., and associated with Joseph Gales, Jr., in the publication of the *National Intelligencer* at Washington.

[7]Benjamin H. Latrobe, the great Baltimore engineer. See *post*, p. 109.

Seaton seems to think he might readily be had by us; and, upon the whole, speaks favourably and highly of him; and inclines to the belief, that he would be highly useful and valuable; provided his extravagant taste or turn for expending Money, was properly checked. He says, that as an honest man, his character stands fair and was never called in question where he is best known he is represented as being still poor and needy, although Thousands have passed through his hands.

I have the utmost Confidence in Mr. Seaton, and have great respect for his judgment and opinions. He does not by any means recommend that we should employ Mr. Latrobe, but after summing up all that may be said and which he has well said, in regard to him:—stating the things which make against as well as those which are in his favour; he concludes by saying, that in his opinion the objections urged are too unimportant to interfere with the offering him the appointment in question. Mr. Seaton professes himself the friend of Latrobe and of his family, and adds that he should be glad to see him in our employ:. but as he writes to Mr. Gales at his (Mr. Gales's) request, and to give him information; he has acquitted himself of the trust and of the task in plain, faithful, and I doubt not, in truly honourable sort. I wish you may be able to be here shortly, as I know not that we can well do without you; and as I before said, I am persuaded we are so highly responsible that we are bound to act, and to do something effectual.

In haste, Much and truly, Yours. JOHN HAYWOOD.

Archd. D. Murphey Esq.

To Judge Ruffin. RUFFIN MSS.

PITTSBOROUGH. 26th. March A. D. 1818:

My Dear Friend!

I left your House on Sunday last. * * * No event of Moment has happened Among our Friends in Orange since you left us. My Circuit has been commenced with the Judge[1] only a Fortnight: We have done much Business and the Judge

[1]Seawell.

has acquitted himself to the Satisfaction of the Bar generally, I believe. He is patient, attentive to Business and polite to the Bar. I am well pleased with him and think he will do himself Credit. We have tolerable Prospects as to Money, and very good as to Harmony on the Circuit.

I attended the County Court in Cumberland and shall attend the Courts in that County Untill the Business of our Company[1] can be so far advanced that my Attendance will be no longer necessary. Our Company had sundry Meetings whilst I was in Fayetteville and adopted sundry Resolutions relating to the Improvement of the Cape-Fear. They have been followed by an Increase in the Price of Lots in Fayetteville and Haywood And the Lands on Deep and Haw-River in the Neighbourhood of the latter Place. Some Sales have been made here on this Week at $50 Per Acre for Lands adjoining this place; And I am told on today my Lands purchased of Mr. Ramsay would now easily command $25.000.[2] I hope to make on my plantation there this Season nearly a thousand Barrels of Corn, and with the Hands I now have there, had I more Land opened, I could make fifteen hundred Barrels. I wish You were here. You would make some Purchases in that Neighbourhood, I am well convinced. You could make a Fortune in a little Time by watching the Tide of events.[3] Lots have risen in Haywood from $50. to three and four hundred Dollars, and

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[1]The Cape Fear Navigation Co., of which Murphey was a director. As early as 1810 Murphey was a director of the Deep and Haw River Navigation Co., the predecessor of this company.—*Raleigh Register*, Jan. 10, 1811, July 17, 1818.

[2]In 1817 Murphey purchased of John A. Ramsay 500 acres on the Cape Fear, near the town of Haywood, for $10,000. He had also purchased recently several lots in Haywood and 1100 acres nearby on Deep River. Haywood, situated at the confluence of Deep and Haw rivers, where they form the Cape Fear, was founded in 1799 by the Deep and Haw River Navigation Co., but it had only a nominal existence until these flush times. Great things were expected of it. The Cape Fear was to be made navigable between Haywood and Fayetteville, and a communication was to be opened between Haywood and the Yadkin by way of Deep River and a canal. In 1831 an attempt was made to move the capital of the state to this town. Haywood no longer exists.—Murphey MSS.; Ruffin MSS.; *N. C. Minerva* (Raleigh), Oct. 29, 1799, Jan. 7, 1800; K. P. Battle, *Sketches of the Early History of Raleigh* (Raleigh, 1877), p. 60.

[3]Murphey wrote Ruffin Feb. 15, 1818: "When you return, if you do not conclude to quit the State, turn your Attention a little to the Cape-Fear. The time is near at hand, when the entire Condition of that Section of the State is to be changed."—Ruffin MSS.

as soon as we get the Streets cleared, it is probable they will sell from five hundred to a thousand Dollars.[1] The Directors have resolved to prosecute their Work above Fayetteville with Vigour as soon as Preparations can be made for that Purpose.

As to Milton, Speculation has raged there beyond my expectation. Lots on the Main Street have sold for nearly an hundred Dollars per Foot. The Company[2] have laid out a New Street and sold a few Lots. Their Sales have already exceeded $50.000. and they expect the Residue of their Lands will bring 75 or 100.000$. About 1400 Hgds of Tobacco have been Received there. Lands in the Neighbourhood are selling from 20 to 50 $ per Acre. I understand that more than 500 Hgds of Tobacco have been Received at Danville, and that the Property which I sold to Mr. Cabell would now sell for more than $100.000. A great Deal of Capital is centering in Milton and Danville, and As soon as Boats can run from Haywood, A large Capital will be centered there. Many Merchants in Fayetteville intend to make establishments there. You may take it for granted, that every time I go to Fayetteville some new Step will be taken upon the Subject of our Work, and that no exertion will be spared to raise up the Price of Property on the Cape Fear. I hope that my Lands on this River, and my Interest in the Lots in Haywood will in one Year from this Time be worth at least $50.000. In this it is true, I may be mistaken; but one thing is certain, this Property will be worth much more in a short Time than it is now.

Since I parted from you, I have purchased the Lands of Alexander Frohock on the Yadkin. This is the best Purchase I ever made. It is said to be the best Tract of Land in Rowan, having about seven hundred Acres of prime low grounds. This Land I got at $8.$\frac{50}{100}$ Per Acre. I have sent out a Parcel of Negroes under Mr. Holderly[3] to the Plantation and I hope to

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[1]At a public sale in Haywood in September, 1818, town lots containing less than half an acre sold as high as $1350.—Niles's *Weekly Register*, Sept. 19, 1818.

[2]Probably the Roanoke Navigation Co. Milton was "boomed" in the winter of 1817-1818, and by the following summer the town had a newspaper and a bank.—*Raleigh Register*, Apr. 17, 1818; Niles's *Weekly Register*, Aug. 29, 1818.

[3]Anderson B. Holderly.

make a good Crop of Cotton and Corn there this Season. By dividing my Negroes, I think my Crop will be more than quadrupled. When you return I will explain to You in Detail my Views as to the Yadkin, and point out Ways and Means for You to make Money in that Quarter. I hope You will not deem me a *mere Schemer* in all this Business. Heretofore my Conjectures on these Subjects have proved pretty correct; and if we succeed in geting an able Engineer, I will attend him in his Surveys between the Yadkin and Cape Fear. I hope we shall live to see a Communication effected between these Rivers by the Way of Deep River; and if this be done, the Yadkin and Deep Rivers will be little inferior in Value to the Alabama Country.

I have said enough of Speculation and of Schemes. Judge Hall has resolved to remove to Anson. He has authorised Col. Picket[1] to purchase Lands for him. His Removal will, I hope, prove advantageous to himself, and it will certainly be an Accomodation to the People in that Quarter. How do You like your present Circuit? How are our Friends Skinner, Iredell and Haughton?[2] Tell them to associate with many Others of Wealth and enterprise and send the Produce of the Roanoke to Sea. They surely will not let Norfolk engross this Trade. To them present my Affectionate Regards. And for Yourself Accept my best Wishes for your Health, Prosperity and Happiness.

Your Affectionate Friend.

A. D. MURPHEY.

Honbl. Thomas Ruffin esqr.

[Address:] To the Care of Genl. Iredell
or Jo. B. Skinner esqr.
Edenton. N. C.

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[1]Joseph Pickett, of Anson County.

[2]Joseph Blount Skinner, James Iredell, and Thomas B. Haughton, prominent lawyers of Chowan County. Iredell was Ruffin's roommate at Princeton. See *post*. p. 156.

Benjamin H. Latrobe[1] *to Joseph Gales, Senior.* M. MSS.

BALTIMORE, April 16th. 1818.

Joseph Gales Senr Esqr.
Raleigh N. C.

Sir,

Your letter to me d. March 21st. 1818, arrived, as I have reason to believe, at Baltimore, the day after my departure from thence to Washington; for Mr. Seaton mentioned to me on my arrival, that such a letter had been forwarded. I was detained in Washington a fortnight by the circumstance of Mrs. Pearson's death, with whose husband my business was to be transacted. I therefore postponed my return home from day to day, and arrived here only on Friday last the 10th. I hope therefore that my silence for so long a period will be excused, for altho' I knew the purport of your letter, and was, and am seriously desirous to accept of the very honorable and eligible appointment it offers me; still it was impossible for me to return an answer until I had consulted my family and endeavored to render it compatible with my other engagements. The few days that have elapsed since the 10th have been devoted to this object, and I will now with candor, and a full sense of the honor you have done me state to You the result.

To accept *at once* of the appointment, would render it necessary that I should abandon all my other engagements, and devote the rest of my life to the objects presented to me in North Carolina. This I cannot do with justice to those whose business I have undertaken since the resignation of my office in Washington.[2] The Baltimore Exchange, the Baltimore Cathedral, the Library, and the business of several individuals are now in a situation in which I cannot desert them, altho' I might be willing to sacrifice all emolument arising therefrom. I should do them a very serious injury at this Season of the Year.

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[1]Benjamin Henry Latrobe (1764-1820) was born in England and studied on the Continent, and after achieving professional distinction in London he came to America, in 1796, where he became eminent as an architect and engineer. He was the architect of the Capitol at Washington and other noted buildings.

[2]Latrobe was surveyor of public buildings in Washington from 1803 to 1817.

Another hindrance is of a personal nature. I have a priviledge and am under an obligation to supply the city of New Orleans with water, and have already expended 40.000$ on that object. My Son, whom I had the irreparable misfortune to lose by the Yellow fever of last Autumn, managed that work. But his death renders it absolutely necessary that I should go thither at the close of the Summer; or sacrifice both the object, and all that has been expended upon it.

The extreme reluctance of my wife to remove to such a distance from her father and family, the former of whom is now near 80 Years old, could be overcome; but added to more cogent reasons it induces me to decline for the present the honor you offer me.

But although, under the circumstances which I have stated, I dare not look to the comparative repose which I should enjoy while having a single object of exertion in Your employment, still I may not be entirely useless to you, if in the difficulty of finding a competent person immediately, a visit to your state could be productive of advantage.

On this subject I have had much conversation with General Stokes of the Senate of the U States. I find from his information that a very principal object of the board of Works, is to render the River Yadkin navigable, thro' a pass called *the narrows;* or to conduct the navigation of the Yadkin by means of a Canal opening above the Narrows into Cape Fear River, at Fayetteville.

Before it can be at all ascertained, whether this object be attainable, several preliminary steps must be taken, to which any good Land surveyor is competent. I will therefore state to You the course, which, were I on the spot, I should recommend to be pursued.

On examining the map, it is very evident that the great Granite ridge, which extends from Long Island (N. York) (where it runs out to Sea) to Georgia, crosses Cape Fear river above Fayetteville: and the Rapids of the Yadkin are occasioned by the passage of that river thro' this ridge. The natural formation of our continent is so exactly similar from the

State of New York to the Roanoke, that I may presume, without danger of much error, and founding my opinion also upon the description I have heard—that this formation extends to the Yadkin.

By a coincidence, which cannot be the effect of accident, the difference of the level of tide water, and of the still water immediately above the granite ridge, at the falls of Appomattox, James River, Rappahannoc, Potowmac, and Susquehannah,—is from 125 to 128 feet. Of these Levels I have ascertained the two latter, and the others have been levelled by good Engineers. The difference of level above the narrows of Yadkin, and the waters of Cape Fear at Fayetteville, cannot therefore, *probably,* be much different, and if it were, this is certain, that the former are greatly elevated above the latter.

All our great rivers may be considered as running in deep vallies separated by ridges more or less elevated. Their collateral waters are again separated by lesser ridges; so that the general surface of the high alluvial land, being considered as having been originally level, the watercourses, have worn down the Vallies, and left the ridges standing *all nearly of the level of the original plane.* As far as I have explored our country, this theory is consistent with its actual state. Across these secondary ridges from N. E. to S. W. run, in nearly parallel lines,—*original or primitive* rocky formations, creating another range of ridges, almost at right angles with the first,—and which rise above the Level of the Alluvial plains that fill the space between them.

Now in this formation consist all the difficulties which oppose the union,—by artificial means,—of one of our great rivers with its neighbor. For the first mentioned ridges oppose the connection, through the same valley from N. E. to S. W. and the second, offer a rocky barrier to their approach by a descent from the higher to the lower level. And herein our country differs entirely from Europe, where the rivers generally run in vallies determined by the range of primitive or secondary mountains, while with us, the rivers run across our mountain-ranges, wearing down deep beds in the vallies between; which thus,—relatively to the beds of the rivers, become high obstructions be-

tween them. Thus the Canal between the Chesapeake and Delaware, runs upon the general level of 78 feet above the tide in the Chesapeake.[1]

This theoretical statement applies no doubt to the Geology of the country between the Yadkin and the Cape Fear river. I have no map excepting Bradley's general Map of the United States: but I should presume that the river called Yoharre which falls into the Yadkin at Stokes court house would be the point from which to start: for I observe a river or run called *Rocky run* on the South West side of the Yadkin which from its name must lie on the upper side of, or upon the Granite ridge.

Between Stokes Court house and Fayetteville is Little river which in the Map appears to cross the ridge, and at Fayetteville is a very small indication of a river. Genl. Stokes mentioned a river which he presumed would be the feeder of any Canal to communicate between the upper Yadkin and Cape Fear river; called, I think, the Yncarrow; which I suppose is the Yoharra of the Map. That a powerful feeder is wanted there can be no doubt; as probably it will be necessary to *lock up* from the Yadkin to the summit Level, before a crossing place can be found. I now come to the operations which I would recommend to be undertaken and carried on during this Summer.

From the lowest point on the Yadkin at which a creek, or Valley opens into that river commence a survey of the main creek, and of all its branches, as well as of all the Vallies and Land drains that discharge themselves into it, although they may be generally dry;—or be mere depressions of the Earth. Mark on the survey the points at which the Water commences its discharge into some other Creek, and run down the principal drains as far as to indicate clearly their course. If there are more points than one from which it appears probable that the communication may commence, survey them all with the same accuracy in detail.

[1]This paragraph and the preceding one, with some omissions, were quoted in Murphey's *Memoir on Internal Improvements*, reprinted in Vol. II. p. 145.

The ridge dividing[1] the waters of Yadkin and of Cape Fear will in the course of these surveys be clearly ascertained and become well known to the Surveyor. Let him then, from some point on the ridge run a line along its back. This will make him acquainted with all its irregularities and especially its depressions.

Of the principal creek or creeks, discharging their Water into the Yadkin, let the courses be ascertained high up towards their source.

The same operations are to be performed on the side of Cape Fear river, and especially, the ridge of the highest Land must be run, and accurately laid down, pointing out on each side the Gullies or Vallies leading to the right and left. These surveys cannot be too minute or enter too largely in details.

In the course of these surveys, all the properties must be ascertained and the boundaries laid down through which they pass, and remarks made as to the open or cleared Land through which they pass.

When they are compleated, the Engineer is put into possession of a perfect *horizontal* representation of his ground, and of a guide who will be able to give him all the information necessary to set him to work. If however the Engineer has all this work to perform himself, his valuable time is lost, and the expense of his Labors being greater than that of a competent Landsurveyor, there is an unnecessary waste of money. It is in fact the regular mode of proceeding, which I have always adopted with advantage and with the approbation of the boards who have employed me. In the exploring of the Line of the Chesapeake and Delaware Canal, I employed for the sake of expedition 3 Landsurveyors around me, and by that means was able soon to determine the best Line of the Canal. My Salary was 3.500$ p annum that of the Landsurveyors 4.50$ p day while employed:—and they did quite as much as I could have done had I made the survey myself. Good plain sensible Men, accustomed to run lines with the Compass and chain, and to keep fair fieldbooks, are quite competent to this task for tho' no survey can be too accurate, errors are of less consequence than in

[1]In the original letter this word is written "divided."

those surveys which are to determine the extent of legal possession, for the main objects are the relative positions of the lines, and not the superficial area of the Map.

The map should be drawn on a large Scale and show by intersections the places of all neighboring houses or other remarkable objects.

With such a Map before him, the sagacity and experience of an Engineer can soon determine which of a limited number of courses offers the greatest probability of being practicable. These he then examines with his level in his hand, ascertains all the circumstances of ground, as to its level and composition, balances the advantages of distance, with depth and difficulty of cutting and using the best of his talents and judgement is enabled first to report generally upon the practicability,—then on the best Line of the cut, afterwards on the details of bridges, embankments, Locks, or tunnels, and ultimately on the probable expense of the Work.

I have confined my remarks, to the particular Canal which has been represented to me by General Stokes to be the first object of your attention. But the mode of obtaining all the information preliminarily necessary to the location of a Canal is always more or less that which I have described.

My intention now is to pass through your State on my way to New Orleans in October or November, returning in March next to this part of the world. I confess that I feel regret at giving up the hope of the very honorable and permanent situation you have offered me. Had I not insuperable obstacles in my way, slight ones would not have deterred me. In the mean time, I beg that I may be made as useful to you in any way, in which I may be so, at a distance.

There is an English Engineer highly recommended and much experienced, Mr. Upton, who on your invitation, if you cannot do better, would immediately come out. Such talents as those which you require are rare, and whoever imports them, deserves well of his country.

I am very respectfully

Your obedt. Servt.

[Address: Raleigh.] B H LATROBE

From Treasurer John Haywood.[1]

RALEIGH. 3d. May 1818.

Dear Sir,

Your Letter from Fayetteville was brought me by yesterday's Mail, and should have been promptly replied to, had it not so happened that none of our Commissioners were then in Town. Mr. Browne had set out for his European Trip—Mr. Gales was on a Visit to his Daughter in Warren—and Mr. Boylan had gone to his Plantation.

Today I have the assistance of both the Gentlemen last named, who advise that I should say to you, That we are willing, entirely so, that Mr. Terry[2] should be employed to assist in making the Surveys you mention, in case Mr. Price[3] shall not arrive in time to do so. Mr. Price, as I before informed you, had been applied to and was offered employment by the Commissioners: it has been understood he would accept the Employment offered, and that he would be at this place by the beginning of the present Month. He has not yet come, and may not possibly come for Weeks or Months, although we understand he will be here 'ere long. Matters being thus circumstanced, I am instructed to say to you, that if it shall so happen that Mr. Price does not reach your House or the Point from which you may set out on this Surveying Business[4] in due time, then and in that case the Commissioners here will be satisfied to employ and indeed happy in seeing Mr. Terry employed as a Surveyor on the Survies you mention. * * *

We have not a sentence from Mr. Latrobe. No Letter for Mr. Browne nor for any of us. I was at the Post office within the present hour. Our letter to him went off the day after you left Raleigh.

I wrote Mr. Caldwell yesterday and let him know, that I learned from you the Theodelite etc. would be shortly at your House.

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[1]A. L. S., in the possession of Judge Archibald M. Aiken, of Danville, Va.

[2]William Terry, of Fayetteville. See Vol. II. p. 98.

[3]Jonathan Price, of New Bern. See Vol. II. p. 99.

[4]Murphey prepared detailed written instructions for the surveyors and often accompanied them.

If Mr. Latrobe does not come, it is probable we cannot do without Mr. Terry's Services, even if Price arrives in time, as it is likely Price may neither have Instruments nor understand levelling.

In the hope of Latrobes coming the Commissioners forbear to give any Instructions or advice in regard to the Surveys to be made. You can act for them.

Yrs much and truly

JOHN HAYWOOD.

[Address:] To meet him at
Fayetteville
No Carola.

From Treasurer John Haywood. M. MSS.

RALEIGH 9th. May 1818.

Dear Sir,

The Note with which you favoured me by Mr. White, was not handed me until late in the day of Sunday last; before which time I concluded you had left Fayetteville on your return to Orange; and on that ground declined, or rather considered it unnecessary and useless to address to you a Letter at Fayetteville.

Mr. Latrobe has declined the Offer of Employment made him by the Commissioners of Inland Navigation for our State. He has done this in handsome terms; and has stated some of the Causes and Reasons which induced his decision in that regard. He says however, that he will pass through this State on his way to New-Orleans, in the course of the ensuing fall; and will then willingly render to us such Services as may be in his power. He writes a long Letter, speaks of the Conversation had with General Stokes (towards whom he professes much Regard and Esteem) with respect to the making a Canal forming a Communication of the Waters of the Yadkin with those of the Cape Fear etc. etc.: and points out the preparatory Measures which ought to be pursued previously to the locating the Canal

etc. etc. The making a Survey and Map of that part of the Country through which the contemplated Canal must pass, he holds to be indispensable; and adds, that with such a Survey before him, an Engineer will be at no loss to mark out the proper Course for the Canal.

Since the receipt of Mr. Latrobes Letter, we have written to Mr. Price, of Newbern (through Mr. Green) and offered him employment as a Surveyor. Mr. Green answered by the return Mail, when he had not seen Price (Jonathan Price) and advises, that in his opinion Price will be highly useful; and adds his belief, that he will come on and be employed by us.

We have also made propositions to Mr. Barnet[1] (the old man) of Dan River; and have urged him, through his son, to embark in our employ, and assist in the works of the Cape Fear or Yadkin, and in such other works as he may be useful in. It is not known that he will close with any offer held out to him; and indeed we had some difficulty in making Offers to him, under the belief that you were as well and better acquainted with this Gentleman than we were; and as you had not mentioned him nor advised the employing him, we had some fear he might not be altogether the Man wanted. Taking into view however, that the season is fast passing away; that nothing is done, whilst much remains to be done; we concluded it would be better to begin with such Materials as might be had, rather than wait in the hope of commanding other and better Talents. We will however tell you all how and about this, when we may have the pleasure of seeing you; which I am glad to learn, from Mr. Ramsay, will now shortly happen.

Latrobe recommends that we apply to a Mr. Upton, of England; whom he represents as a finished Engineer, and adds that he is persuaded he will at once come, and engage in the works of this State.

In haste, as Mr. Ramsay kindly waits,

but much and truly Yours

JOHN HAYWOOD

[Address:] To meet him at Chatham Court,

Pittsborough.

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[1]John Barnett, of Rockingham County. He had made surveys for the Roanoke Navigation Co.—Barnett to Murphey and Thomas Settle, Nov. 24, 1816, in M. MSS.

From Treasurer John Haywood. M. MSS.

RALEIGH 1st. July 1818.

Dear Sir,

I have already executed a Power of Proxy and put it in the Post Office, authorizing you to represent and vote for the State in my place, as Treasr., at the Meeting of the Stockholders which will take place in Fayetteville tomorrow, in regard to the business of the Cape Fear Navigation Company; and now to guard against the possible failure of that Letter, I send this accompanied by a like Power,[1] and confidently count on your receiving the one or the other and perhaps both of those Letters and Powers in due time, and before the Meeting shall take place.

Latrobe excuses himself from visiting us as Engineer, saying he is engaged at Baltimore in such sort that he cannot come at present. He said also that he would write you fully on that and other Subjects touching the Canal-business etc.

A Mr. Strode, of Fredericksburg, Virga., with whom I infer from his Letter etc. Genl. Stokes is acquainted and has corresponded, and who writes that he and his Father are scientific and practical Engineers, offers his or their services; adding that they have the command of many Negroes used to works of the sort we wish done, and that they can do much for us in a short time etc. We have said we wish them to come on without delay (the two Men) to touch at the Roanoke or rather to go to the falls from Warrenton—thence to proceed to this place, so that we may treat with them as to Reward—Work etc. etc. I expect them on shortly.

Yours much and truly

JOHN HAYWOOD

Some time ago, I understood from Mr. Meig that Mr. Price was at Fayetteville, on his way to this place—he has not yet been here, and I fear he may be sick at Fayette. If you find him there, and in health and desirous of engaging in our business, would it not be best for him to join Dr. Caldwell etc. if he can be useful there? We thought of sending him to assist and help Mr. Terry and the others employed, had he come on here.

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[1]This instrument is on the same paper.

It is not by any Means wished that Mr. Terry should quit our service—all think highly of him and expect much from him. If Price is sent on therefore, it will be to assist in the Surveys and Maps, and not by any Means to interfere with Mr. Terry or the business he attends to. Let Price go or come here as he may prefer. J H

[Address:] To meet him in
Fayetteville
No. Carolina

From George E. Badger.[1] M. MSS.

[RALEIGH. November, 1818?]

Dear Sir.

Should any appointments of Trustees of the University take place during the Session, suffer me to request that you will place at that board my friend Doct: John Beckwith[2] of this City.

I believe that he would be gratified by such a mark of attention from you, and I have no doubt that his acquirements in the Sciences connected with medicine, his taste, correct habits of thinking and his suavity of manners will render him not only useful to that institution, but will have a happy effect

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[1]George Edmund Badger (1795-1866) studied at Yale and came to the bar in 1814; was representative from New Bern, his birthplace, in the Assembly of 1816; judge of the Superior Courts, 1820-1825; Secretary of Navy, 1841; U. S. senator, 1848-1855; and member of the state secession convention in 1861. He removed to Hillsboro in 1817 and to Warrenton two or three years later, and thence, in 1825, to Raleigh. His comprehensive talents and attainments place him among the greatest men the state has produced.—Ashe, ed., *Biog. Hist. N. C.*, VII. 35-44; Peele, ed., *Lives of Distinguished North Carolinians*, pp. 181-212; *Land We Love* (Charlotte), I. (1866) 282-286, 335-338. He was elected a trustee of the University by the Assembly of 1818.

[2]A physician who removed from New Bern to Raleigh in 1812. He did not become a trustee. See *Raleigh Register*, Aug. 28, 1812.

upon the feelings and attachment of the Students. I may venture to promise that a particular attention will be paid by him if in that situation, to its duties.

Were your acquaintance with the Doct. formed, (as I hope[1] it will be) no remark would be necessary. He is indeed a "man after your own heart."

Excuse the liberty I have taken and be assured that an attention to this request will much oblige your already

Much obliged and sincere friend

and Servt.

A. D. Murphey, Esqr. G. E. BADGER.

To Judge Ruffin. RUFFIN MSS.

RALEIGH. 16th. Nov: 1818:

Dear Sir.

The two Houses met on Yesterday evening and chose their former Speakers and Clerks. They look well and seem to have met in good Humour. Nothing is yet afloat that I have heard of. Mr. Mebane is near to me, and I hope will do as we wish.[2]

We have no News except that of the Treaty with the Chickasaw Indians. They have ceded all their Lands in Kentucky and Tenessee. This Treaty is very important to a great Many Claimants under North Carolina, and among Others to Myself. The University will be made rich by it.[3]

Towards the Close of the Week, the Views of men will begin to be developed, and I will apprise you of what I can learn.

Yours. Affecty.

Honble. A. D. MURPHEY.

Thomas Ruffin esqr.

[Address: Hillsborough.]

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[1]Written "hoped" in the original.

[2]James Mebane nominated Frederick Nash in the House of Commons on Dec. 7th for the seat on the Superior Court bench made vacant by the death of Judge Samuel Lowrie. Perhaps this was the desire of Murphey and Ruffin referred to. See *post*, p. 122.

[3]See *post*, p. 124.

To Judge Ruffin. RUFFIN MSS.

RALEIGH. 19th. Nov: 1818:

Dear Friend.

I procured a Draft on the Bank at Salisbury in favour of Mr. Bagge[1] for $828: and forwarded it by Mr. Moore. He promised to deliver it to Mr. Bagge. I enclose to You $212.

Mr. Nash can give you a History of our Proceedings. We have as yet done but little. The joint select Committees were appointed on today. We begin this evening to meet. The Resolution of the Directors of the State Bank for opening Books of Subscription, is the first Subject to be acted upon; and I am, most unfortunately, at the Head of this Committee.[2] The Governor censures *the Mode* in which the Subscriptions are to be made, and also the prolonged time to the new Subscribers of geting a Dividend. His Message upon this Subject evinces a good deal of Discontent and excitement. I intend to give it the, *go by,* if possible, by recommending a Subscription of Stock by the State, and an Increase of Bank Capital. We can do nothing with the Management of the Subscription.

I begin to hope, we shall get an Increase of Salary to the Circuit Judges, and also a Supreme Court. The Governor recommends both in a forcible way. Gaston has not arrived. Yancey reserves him for the Judiciary Committee, and this creates delay.[3] Don't send down your Resignation Untill I inform You of the proper time. We shall reelect you, if the Salary be increased. The Salary will be $2.000. I think

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[1]Charles F. Bagge, of Salem. Murphey bought lands from him.

[2]For the committee's report, see Vol. II. p. 91.

[3]So much of Gov. Branch's message as related to the judiciary was referred to a committee headed by Gaston. The committee reported a bill for a Supreme Court composed of three judges distinct from the circuit judges, having appellate duties only, except that a Superior Court might order equity cases to be removed before hearing to the Supreme Court upon affidavit showing the necessity of removal for the purposes of justice. *Cf. ante,* p. 99.

little Opposition will be made to it. Write to me your Wishes at large. My Love to Anne, Mr. Kirkland and Family, and Cornelia.[1] Yours.

A. D. MURPHEY.

Honbl. Thomas Ruffin esqr.

I think Mr. Nash will be a Judge.

[Address: Hillsboro'.]

To Judge Ruffin. RUFFIN MSS.

RALEIGH. 9th. Dec: 1818:

My Dear Friend.

The Supreme Court Bill has passed into a Law, and on today the Nominations were made—Judges Taylor, Hall, Seawell, and Messrs. A. Henderson, L. Henderson, B. Yancey and myself. It is said Judge Potter[2] and Judge Daniel[3] will be added on Tomorrow. The Balloting takes place on Saturday. One of the Henderson's (it is not settled which) is to be withdrawn. The Other will be elected, and it is impossible to conjecture who the other two will be. Mr. Mebane nominated me, and will support me with Zeal. He is influential and were the election to come on Tomorrow I think my election would be safe. A few days will give Rise to many Cabals, and no one can tell how his Interest will stand on Saturday. At present the Prospects are in favour of Henderson, Seawell and myself. This would now be the general Ticket from the West, and Vine Allen[4] gives it his Aid with several Other influential Men from the East. New Views may arise, or the present may grow better. It is probable there will be several Ballotings before an election be had.[5]

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[1]Murphey's daughter Cornelia was at Miss Burke's school in Hillsboro.

[2]Henry Potter, of Fayetteville, judge of the U. S. District Court for the state of North Carolina, 1801-1857.

[3]Joseph J. Daniel, of Halifax, judge of the Superior Courts, 1816-1832, and of the Supreme Court, 1832-1848.

[4]A Republican member of the House from Craven County.

[5]All of the nominations for the three seats of the new court were made in the House Dec. 9th, Murphey's name being the first pro-

I Received your Letter on this evening and regret that I am so overwhelmed with Committee business that I have but a few moments to write. I now think my Hopes of an Increase of the Salary of the Circuit Judges will be disappointed. It is now said, the effort will be abandoned. Should you wish to resign, I think it would be prudent to enclose Your Resignation to Genl. Iredell by the next Mail: or send it to me under Cover to Genl. Iredell. I will have it handed in at the moment that appears most favourable. The Circuit Judges will be partially located.[1] As to Your Resignation, You can judge better [than] any of your Friends. I am convinced if You could bear the Labours of the Circuits, you would make a great deal more Money at the Bar.

My Profession has been lucrative; and that Part of my Business which yields me a Profit, I disregard. I am pestered to death with business that Yields me Nothing.[2] I am sinking under it; and being deprived for fifteen Years of all Domestic Pleasure, I will gladly get into any Situation, in which I can live more at home. My Wife's Health and the Care of my

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posed. Archibald Henderson withdrew. On the first balloting, which took place Dec. 12th Leonard Henderson and Hall each had a majority of the votes, and on the following Monday, the 14th, Taylor was chosen. The contest was mainly a sectional one, the East versus the West, as in many other public questions of the period. The successful candidates and Seawell were all easterners and were, or had been, on the Superior Court bench. Murphey, Yancey, and Archibald Henderson were from the West. The Hendersons and Taylor were Federalists, the others Republicans.

Murphey was elected to the Superior Court on Dec. 24th in the place of Ruffin, whose resignation was received on the 23d. The two other candidates, Archibald McBryde and ex-Gov. Miller, nominated before him, withdrew. A few days earlier John Paxton, of Rutherford County, John D. Toomer, and Frederick Nash were elected to fill the vacancies caused by the death of Walter Lowrie and the resignations of Taylor and Hall. They were opposed only by Miller.—Assembly Journals, 1818; Vol. II. p. 428. See *N. C. Univ. Mag.*, IX. (1859) 197-198; Strange, *Life and Character of William Gaston*, p. 25.

[1]One of the last acts of the session increased the salary of the Superior Court judges from $1600 to $1800. Efforts were made to make it $2000. The "location" of the judges, referred to by Murphey, was not effected; the existing law forbade a judge to ride the same circuit twice in succession, and this provision demanded much travelling and prolonged absence from home.

[2]By this is probably meant legal work for the University, to which Murphey gave his services gratis. See *post*, p. 276.

Children render such a Situation peculiarly desirable to me. But much as I desire a Change, I am prepared to meet a Disappointment. My Love to Anne, Cornelia, and all Your and Mr. Kirkland's family.

Your Affectionate Friend.

Honble. A. D. MURPHEY.

Thomas Ruffin esqr.

[Address: Hillsboro.]

From Treasurer John Haywood. M. MSS.

RALEIGH 4th February 1819.

Dear Sir,

An unexpected Call to our University, which took me from this place for some days, prevented my receiving your favour of the 19th Ulto., bearing the Post Mark of the 21st at Haw River, on its first arrival at this Office: and I have since, from some domestic hindrances and other Causes beyond my controul, been under the necessity of losing a Mail or two; and have therefore at present set me down at my Desk, determined to take time by the forelock and have this in readiness for tomorrow's Mail.

You are a Member of the Committee of appointment, and Judge Ruffin is another Member of that Committee, of which I informed him. This Committee is charged with the care of the Lands belonging to the University, and which lie in the Chickasaw Country;[1] as well as with the care of the Univer-

[1]This committee consisted of Haywood, William Polk, Henry Potter, Ruffin, and Murphey, with the governor as chairman *ex officio*, when present. The lands entrusted to its care were the subject of an interstate controversy which occupies a large part of Murphey's correspondence. By statutes passed in 1782 and 1783 officers and soldiers of the North Carolina Continental Line, their heirs or assigns, were entitled to certain quantities of land (from 640 to 12,000 acres each) in the vast wilderness in the western part of the state, now Tennessee, to be obtained by applying to the secretary of state for a warrant directed to an official surveyor at Nashville, upon whose survey a grant was to be issued by the governor. In the latter year also, with a view to the redemption of the State's paper money, representing the debt of the war, a land office was opened at Hillsboro, usually called "John Armstrong's office," in which any citizen might enter a claim for not more than 5000 particular acres of vacant and unappropriated western land by paying 10 pounds in specie or in

sity Lands generally. It is likewise charged with the duty of appointing a Professor of Rhetorick and Logick. And with the task of causing a Wing to be added to the University Buildings, as they at present stand.

I have procured, through Mr. Caldwell, a Draft or Plan of the Wing we at present have; and have asked of a Workman, of this place, to make an Estimate of the Cost of erecting another Wing, like unto it. The Committee has had no Meeting this Winter, and all seem silent and inactive, although we have much to do.

I mentioned the Business which at present presents itself to be acted on to Judge Ruffin, who was not long since here. He replied by saying, that he would see and converse with you, in regard to it; but that it was not likely that he could be here, sooner than the 3d Monday in the present Month; when Wake Court happens. That time will, perhaps, be full late for you. Dr. Caldwell is anxious that the Committee should meet, and proceed to the filling the vacant Professorship; and said indeed, that he would write you on that subject.

If it would be time enough for you, perhaps we had as well put off meeting until the third Monday in this Month; when we may have Mr. Ruffin's assistance: but if that time would not suit you, as well as a more early day; Come down when it may be most convenient to you, and we will endeavour to have a Meeting of the Committee.

I have not yet written to Genl. Smith, as you advised, but

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paper money at a depreciated value for every 100 acres. In 1789 the General Assembly ceded the transmontane country to the United States, reserving, however, the right to satisfy claims of officers and soldiers and to issue grants upon entries previously made in John Armstrong's office. At the same session the University was established and given all property which had escheated or might escheat to the State. Tennessee was admitted into the Union in 1796. The new State soon claimed all unappropriated lands within her limits and the right to perfect incipient titles by grants, and contended that military warrants not then located were void, as a North Carolina statute in force at the time of the cession to the United States limited the time for locating them to the year 1792. Negotiations resulted in 1806 in the division of the public lands between the United States and Tennessee, subject to Indian titles, occupants' rights of preëmption (preserved by the Cession Act of 1789), and North Carolina claims, and in the consent of Congress to a compact made in 1804 by which Tennessee was authorized to perfect titles and North Carolina retained power to issue military land warrants. All or nearly all of the "Congressional Reservation," as it was called,

must do so; although I feel some little difficulty in addressing him on the subject of these Lands, as he conceives the Board of Trustees as dealt rigorously, and perhaps unkindly with him.[1]

Come as soon as may be convenient to you, and in any event by the third Monday in the present Month—Wake County Court—and we will have a Meeting and do what we may. I have not spoken to Judge Potter on the subject, and therefore am at a loss to say, whether he can be prevailed on to act as one of the Committee, or not: I fear however, that he will not act.

Much and affectionately

Your friend and Sert.

Judge Murphey JOHN HAYWOOD

Potter has been absent from this place and on Judge Stone's business, or rather on the Business of the Estate of Judge Stone for many Weeks, and has but recently returned.

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comprising West Tennessee, and much more, was the hunting grounds of the Chickasaw Indians. By a treaty made in 1786 no settlements could be made there, although about a million acres of those lands had been sold by North Carolina. The territory apportioned for disposition by Tennessee included the district which North Carolina had set apart for officers and soldiers and also lands held by the Cherokees under a treaty; but nothing was left there for military claimants after occupants had exercised their rights of preëmption and grants had issued to holders of warrants from John Armstrong's office, and lands which Congress gave to Tennessee for educational purposes had been taken. North Carolina therefore passed an act in 1811 for surveying and granting lands in the Congressional Reservation. Tennessee, regarding this act as a violation of the compact of 1804, prescribed heavy penalties for surveyors, registers of deeds, and lawyers who should proceed under it. In 1818 the Chickasaws sold their lands to the United States, and Congress in the same year authorized Tennessee to satisfy these claims out of the Congressional Reservation. This was the situation at the date of this letter. The University held grants and warrants for about 29,000 acres in the Chickasaw Country, donated by Gov. Benjamin Smith, and Major Charles Gerrard, and she was soon to claim through escheat military bounty lands much greater in extent. This great endowment was now, for the first time, available.—H. D. Whitney, *The Land Laws of Tennessee* (Chattanooga, 1891), *passim;* Battle, *Hist. Univ. of N. C.*, I. 118-119, 124, 384; John Haywood, *The Civil and Political History of Tennessee* (Knoxville, 1823, reprinted, Nashville, 1891), *passim. Cf.* Battle, I. 10-11, 378-404.

[1]Ex-Gov. Benjamin Smith, the first benefactor of the University, who donated 20,000 acres of land in the Chickasaw Country in 1789. In his old age (and before the date of this letter) he lost his fortune and was imprisoned by one of the University's attorneys, a personal enemy, for a debt due to the institution, but was released as soon as the matter came to the attention of the Trustees.—Battle, *Hist. Univ. of N. C.*, I. 118-120, 320.

From Senator Montfort Stokes.[1]

WASHINGTON. Feb. 14th. 1819.

Dear Sir

Mr. Albertson[2] of Pasquotank has made considerable progress in Surveying and platting a portion of the Country between Edenton and Norfolk, particularly the roads and Water Courses which now do or ought to intersect the Dismal Swamp Canal. These Surveys as far as they have been made, have been examined here and believed to be more correct than any heretofore made. It is unnecessary for me to remind you how important this work is to the State of North Carolina, as Connected with the navigation of Roanoke and its waters.

Mr. Albertson has done much more than ought to have been expected of an individual without compensation; and having exhausted a very considerable sum in making two roads through that part of the Country, the tolls on which cannot remunerate him until the whole are compleated,[3] he stands in need of, and is well entitled to public patronage.

I hope the Commissioners of internal improvements will authorise Mr. Albertson to continue his surveys and perfect his maps, an examination of which will, I am sure entitle him to their approbation.

The road begun and partly finished by Mr. Albertson, from Edenton to Norfolk, saves upwards of 30 miles in a distance of only 86 miles. Other improvements suggested by him, but which he is unable to execute by individual exertion, very clearly shew the manifest errors committed by the Dismal

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[1]Montfort Stokes (1760-1842), born in Virginia, was a sailor in his youth. After the Revolution he settled in Salisbury, and later in Wilkes County. He was clerk of the Superior Court in Salisbury and Clerk of the state Senate for many years; major-general of militia in service during the War of 1812; U. S. senator, 1816-1823; state senator from Wilkes County, 1826; member of the House of Commons, 1827-1830; governor, 1830-1832; Indian Agent in Arkansas, 1832-1842.—Wheeler, *Reminiscences and Memoirs of N. C.*, p. 468; K. P. Battle, ed., *Diary of a Geological Tour by Dr. Elisha Mitchell in 1827 and 1828* (*James Sprunt Historical Monograph*, No. 6, 1905), pp. 36-38.

[2]The bearer.

[3]An act passed in 1812 authorized Aaron Albertson to make a road and canal in Pasquotank and Perquimans counties and to take tolls.—*Laws of 1812*, ch. 27.

Swamp Canal Company, in the plan of their work. Experience has pointed out alterations and extensions of the canal which must take place to make the navigation of the Roanoke Boats more safe after entering Albemarle Sound. By connecting the canal with Perquimons River great part of the danger would be avoided. I shall not however, enlarge upon this subject to you who have so often considered it, but beg leave to recommend Mr. Albertson to your notice.

I am, Dr. Sir, with great respect,

Your obedt. Servt.

Hon. A. D. Murphey, Esqr. M. STOKES.

[Address: Orange County.]

To Thomas Ruffin. RUFFIN MSS.

HAW-RIVER. 18th. Feby. 1819.

Dear Ruffin.

Mr. Turner[1] has notified me of the Writ of Prince, and I beg you to attend to it for me at Chatham. Upon the One Bond, * *[2] has issued two separate Writs, for the Purpose of geting Fees.[3] Would it not be proper to move to consolidate these Suits at the Cost of the Plff? I am both surprised and mortified at the Conduct of * * He is a young Man of whom I thought well. I wish you to tell him, that during seventeen Years that I have been at the Bar, I have never known an exception (except in Suits brought by this Bank) to the Rule, which Curtesy has established among Gentlemen of the Bar, of giving Notice before bringing Suit against a Member of the Profession: and that bringing two Suits upon one Bond against two of his Brethren merely for the Purpose of geting Fees, is in the Language of Peter Browne, *Dog eating Dog.* I had hoped better of him.

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[1]Josiah Turner, sheriff of Orange.

[2]A young lawyer who was afterward eminent in public life.

[3]Archibald Haralson, as principal, and Murphey, as surety, were sued by William Prince on a bond for the price of 600 acres of land in Chatham County purchased by Haralson.

Perhaps Mr. Haralson can pay the Money. Should he do so? I leave this to your Discretion. For I despise all such Vultures as Prince, and should be glad to see him disappointed. I fear the Public Morals are going to Decay, and that a Spirit of Sharping is fast succeeding to a Spirit of Honour. I hope to see you on next Week. You must attend to my Case with Oliver Evans.[1] Mr. Badger having been away so long, no Chance has offered of consulting with him; nor of geting Instructions for Depositions. I shall, I fear, be cursed and abused more than a little about this Business. The Defendants have been applying to me, and wishing to know what to do. I could tell them Nothing, and they have not had and will not have any Opportunity of preparing for Trial. Evans is summoning his Witnesses, and this has given much Uneasiness. I must claim an Hour from you on this Subject when I come down.

My Wife is a little better. Sally Alexander is married on today to James Martin.[2] She has married the most promising young Man of the back Country.

Yours. Affecty.

A. D. MURPHEY.

Honb. Thomas Ruffin esqr

[Address: Hillsborough.]

To Thomas Ruffin. RUFFIN MSS.

HAW-RIVER. 25th. Feby: 1819.

My Dear Friend/.

I have made all necessary Arrangements for taking the Depositions in the Suits of Oliver Evans, and Our Agent sets out on Monday next for Baltimore and Philadelphia. I see that in two Cases lately decided in the Circuit Court in Philadelphia, his Claim for the Hopper Boy has been successfully

[1]Murphey and several of his clients were among the numerous defendants in suits brought by Oliver Evans, the inventor, for alleged infringements of his patents on mill machinery.

[2]A Chapel Hill graduate of 1806 who became a distinguished lawyer of Salisbury, state senator, and judge of the Superior Courts.

resisted—two Verdicts and Judgments rendered against him. He took the Cases by Writs of Error to the Supreme Court of the United States, and I see that one of them has been dismissed. You may, probably, have noticed it. I intend to spare no trouble to cost him, as he has treated with Contempt every Offer to compromise.

I have had to furnish the Money for this Trip, having no Opportunity of seeing any of the Other Defendants; and have had to borrow $100 of Mr. Scott[1] for this Purpose. He tells me that he is obliged to have this Money in Hillsboro'. to pay to some Man from Petersburg. Will You oblige me so far as to let Mr. Scott have this sum? I have paid away, untill I am run aground—and I had not thought of this Trip to the North, Untill a few days ago.

I start this Morning on the Circuit:[2] and I shall be glad to hear from You frequently. Write to Fayetteville. Tell me all the News, and give me all the Consolations which can be offered. I expect, I shall need them. God bless You.

Your Affectionate Friend.

A. D. MURPHEY.

Honble. Thomas Ruffin esqr.

[Address: Hillsboro.]

To Thomas Ruffin. RUFFIN MSS.

FAYETTEVILLE. 29th. March A. D. 1819.

My Dear Friend.

I thank you for your Letters from Pittsboro'. I receive so few from Orange since I left there, that your Letters, read with pleasure at all times, are now read with a peculiar Feel-

[1]Thomas Scott, the bearer.

[2]His first circuit as judge of the Superior Courts. He had been alloted the Cape Fear, or Wilmington circuit, which comprised the counties of Montgomery, Anson, Richmond, Robeson, Bladen, Columbus, Brunswick, New Hanover, Sampson, Cumberland, and Moore. The ridings in each of the six circuits began on the first Mondays of March and September, and a new county was reached every week.—*Raleigh Register*, Feb. 5, 1819; Laws of 1806, ch. 1; Laws of 1813, ch. 17; Laws of 1816, ch. 19.

ing. I still am pleased with this Circuit. The Bar talk rather too much; but that proceeds in Part, from the Want of Business. They are polite, And kind. I could bear this Circuit pretty well, if I could hear from my Family; but not having heard directly but once since I left Home, I have suffered a good deal of Anxiety. Nothing, however, vexes me more than the perverse and contrary Spirit, which actuates the People of this place in all things relating to our Company's[1] Proceedings. As our Work progresses, this Spirit increases, and it appears to be the serious Wish of some, to speak upon all Occasions in favour of Internal Improvements and of having a Canal[2] at this place, and yet oppose or ridicule every plan of Operations that can be devised. They have no plan of their own, and find fault with every thing the Company do. You may well perceive how vexatious such Conduct is: and were it not for a few Friends, whose Welfare I wish to promote, and who have subscribed their Money liberally to this Undertaking, I should be disposed to give up Fayetteville entirely, and leave it to shift for itself. You can have no Idea of the Obstacles, which Folly, and Perverseness, constantly throw in our way; And You would feel sorry to see how Branson, who has been literally a Slave in this Business and without Compensation, is treated. If he were not the strongest Man in the World, the *most steady to his Purpose,* he would curse them and quit them. All this is to Yourself—it will not do to talk publicly about it. We shall succeed at last, I have no doubt; but whether in the way most beneficial to this place, is very questionable.

I will reserve 8 Shares in the Sneedsboro'[3] business for You. If You should not take the whole, I can dispose of them to Others. As to that business, If we will wait and bring the

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[1]The Cape Fear Navigation Co.

[2]This canal was to run from the tobacco warehouses in Fayetteville to the river.

[3]A new town, now defunct, on the Yadkin, or Pedee River, in Anson County, near the South Carolina line. A company having a capital stock divided into 38 shares of $1000 each and one of $410 was being formed to buy the land for $38,410 from William Johnson of Anson, and to sell town lots. Johnson was to be paid $10,000 by the company within a year, and the balance was payable only out of the proceeds of sales.—Murphey to Ruffin, March 19, 1819.

Property into the Property at proper Periods, I think we may pay Johnson, and clear $2.000 upon each Share. That is, for $265. paid on a Share, we shall get $2665. You will be pleased with Sneedsboro': And if our Trade could be prevented from going to Charleston, I should like to see it rival any other of our Towns. It will be the great Town of the Pedée, and a little encouragement would give it a Cotton and Tobacco Trade better than this place enjoys. It will want Capital. But its Situation is such, that it will necessarily secure nearly all the Cotton Trade of the Pedee in North Carolina; and it will get a considerable Trade from the adjacent Districts of S. Carolina. Our Navigation Company, will make improvements there in Canaling and in a Bason, which will attract the Attention of all Persons, who see them. If You take any more Shares, let me know by Letter to Wilmington. Talk to Judge Seawell confidentially; he told me he would take an Interest; and Mr. Mordecai[1] wrote to me to the same effect. $132. or thereabouts upon a Share must be paid to Wm. Johnson by the 7th May, if possible. You may remit to me here at the Superior Court, say by the 20th. There will be about 15 in the Company. Genls. Pearson, Stokes, Callaway, Langhorne, Dr. King, Gilchrist, Hamon, Hearsay, Steele, McCrae, Blum, Johnson, Carter, Dismukes, Wade, etc. will have an Interest.[2] In this way, we may muster a strong force at our [*illegible*] Sales.

The United States Bank has called upon its Dealers for ⅕th. My Note is renewable on the Week of the Superior Court here: and I fear I shall not have as much Money as will be required. If You can loan me a few hundred Dollars, at that Time, for a little Time, You will do me a particular Favour. Can you sell A. Haralson's House, and the Lots adjoining for me?[3] They cost me about $2700. I should be very glad to sell these Lots, for a negotiable Note, to be ap-

[1]Moses Mordecai, an able lawyer of Raleigh.

[2]Nearly all of these men were stockholders of the Yadkin Navigation Co., which was organized in July, 1818, with Murphey as president.—*Report of the President and Directors of the Yadkin Navigation Co., April 10, 1825* (Salisbury, 1825).

[3]In Hillsboro. Murphey had advanced the money with which Haralson purchased the property.

plied to the Credit of my Note with Dr. Webb. Will Badger or Mangum purchase? Please make some enquiry. God bless You. Yours. Affecly.

A. D. MURPHEY.

[Address: Raleigh.]

From Benjamin Ragsdale.[1] M. MSS.

RALEIGH 2d. April 1819.

Dear Sir

Your favor of the 28th ulto. came to hand yesterday enclosing a draft on the Treasurer for $750 which is paid and I have renewed your two notes 4500 and 650, also James Palmers note of 479 Dollars and without protest. Mr. Scott has one renewable in a few days, the same day of your large one.

The Board have lately passed an order that all debtors over 10000 must pay 25 p. Cent of the surplus and 1/10 and interest of that amount. I mentioned your case to the President who is of opinion that you may renew by paying the 1/10 on the whole amount as very probably you could not get the information in time to make the necessary arrangement, your being absent on the Circuit.[2]

I am Sir
with much respect
Yr. mo: ob: St.

BEN: RAGSDALE.

[Address: Wilmington.]

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[1]Chief clerk in the State Bank.

[2]Early in this year signs of the hard times which for twelve months past had caused great distress in the middle and western states began to appear in North Carolina. Carried away by the flush times of 1815, the people in all parts of the country had plunged into extravagance, speculation, and debt. Reckless borrowing was encouraged by banks, lately multiplied improvidently and struggling to put their notes into circulation. The profits of the banks depended chiefly on the issuance and currency of their paper, and they issued many times as much as they could redeem. Recent vast importations of foreign goods drained the country of its scanty coin and crushed domestic manufactures. In July, 1819, the three local banks in North Carolina suspended specie payments; their notes immediately fell to 15 per cent. below par. In his message of Nov. 17, 1819, Gov. Branch said, referring to banks generally: "They have embosomed in their vaults or driven from the country all the specie, and the notes which they

From Alexander Murphey.[1] M. MSS.

APRIL 4th. 1819.

Dear Brother,

I have Just received a lengthy letter from Henry Rutherford esqr.[2] and have enclosed you a Copy thereof Verbatim. I am unacquainted With many of the Holders of land therein named. I am Anxious to go [to] that Country as soon as possible but Would be glad to engage all the business possible before hand.

Should be glad to become a partner in a purchase of any of the lands which Rutherford recommends. Try and find Out whether Newman is living or what has become of his lands with all Others who he has mentioned. Procure for me all the business you can. Exchange the Minter land[3] and my Haywood Lots if you can for lands in that Country.

I am much confined by business in my office therefore have been unable to go to Fayetteville to see Branson. Mr. Bennett will start down immediately after Our Court, yet we are at a great loss for a form of a Bond—whether the bonds are signed in the face or endorsed on the back.

Business in Milton is quite Dull, no Sales of property can now be made. The Committee have Contracted with a Col. Bernard of Connecticut to Build the Bridge at 18,000 Dollars

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have substituted instead thereof not being convertible into gold or silver, the country presents the melancholy spectacle of a people deeply involved in debt without a legitimate circulating medium."—J. B. McMaster, *History of the People of the U. S.*, IV. 280-350, 484-521; W. A. Blair, in J. J. Knox, *History of Banking in the U. S.* (New York, 1900), pp. 543-561; *Raleigh Register*, Feb. 12, June 11, July 30, Nov. 19, 1819, Nov. 24, 1820.

[1]Alexander Murphey (1770-1822), eldest son of Col. Archibald Murphey, was a merchant and tobacco planter of Caswell County, lieutenant-colonel of militia in service in 1814, and clerk of Caswell Superior Court, 1818-1822.—Caswell County records; *Raleigh Register*, Dec. 1, 1806, May 3, 1822; *Muster Rolls of the Soldiers of the War of 1812: detached from the Militia of N. C.* (Raleigh, 1873), p. 118.

[2]A surveyor who located land warrants near the mouth of the Forked Deer River, in Tennessee, in 1789, and made the first permanent settlement on the river about the time of this letter.—*Old Times in West Tennessee* (Memphis, 1873), pp. 207-208.

[3]Lands near the town of Haywood purchased of Joseph Minter.

and will commence the Work next fall. It is expected that Bernard will Come on to the Roanoak Cannell this Summer as the Directors of the Navigation Company have made him propositions which it is expected will be Acceded to and he will undertake a considerable portion of that Work.

I am truly Anxious about my moneyed business having no Source from whence I can raise money only from the little which will Accrue from the Office. I know not how I can make the next instalment at Fayette. I have Urged Capt. Haralson to Sell my Haywood lots even at par rather than my Mind should be Harrowed in the Manner in which it is.

If We could form a Company and purchase the 55,000 of Newman or from those to whome it belongs I can git four or five thousand Dollars in advance from two Gentlemen to whome I have made communication in confidence.

Pray do what you can by contract and I Will carry the same into execution. All well and In great Hast. Write to me

Yours affectionately

ALEX. MURPHEY

To Thomas Ruffin. RUFFIN MSS.

COLUMBUS. 8th. April 1819.

Dear Friend.

I enclose a Note which I beg you and Mr. Kirkland to endorse, and enclose to me by the first Mail to Fayetteville, so that it can reach there by the 20th. Inst, if possible. Should I be disappointed in raising the requisite Sum for the Renewal of my Note, I must endeavour to get the enclosed Note discounted for the balance. I do not know Whether this can be done; but Mr. McNeil[1] advised me to be prepared.

I wrote to You to Raleigh, and beged you, if convenient, to aid me at that time with a few hundred Dollars. Pray write to me at Fayetteville, as soon as this reaches You.

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[1]George McNeill.

What a fine Country is Columbus, and what a wretched Population? Here on the White Marsh are the finest Lands I ever saw, and no Value is attached to them. Twenty active Men from Orange would make the White Marsh a Paradise. Is it not strange that such Lands are neglected: that their Value is not known: that poor sandy Ridges are cultivated and the rich Swamps remain in a State of Nature? Did you ever behold such a handsome Piece of Ground as the Open Marsh near Whiteville? I would not exchange it, were I the owner, for any Lands I ever saw.

We are a Century before this People. I have talked and rode about so much since I came into the County, that some little Stir is made, and some indistinct Conception of the Value of the Marsh is geting afloat with a few. But these People will never do Any thing. They are ignorant and indolent.

I have been to the Lake, sailed on its Bosom and eat of its Fish. It is a fine Sheet of Water, and placed by Providence in a Situation to give Value to all the surrounding Country. What Improvements does this Section of the State admit of? I have planned an entire System: You know, I form plans without much effort: sometimes very foolish plans: sometimes visionary, and sometimes practicable and useful. I have learned the Situation of all the Swamps, and Rivers in this and the Neighbouring Counties, and sketched Out minute Instructions for the Surveyors, who will soon be here. I have ascertained that it is entirely practicable to drain the Green Swamp; and that the Public Improvements contemplated for this Part of the State will be in an eminent degree auxilliary to the Draining of all the Great Swamps. Columbus is worth all the Counties I have seen, since I left Anson.

I hope good Fortune continues to attend You; and that you will enjoy that Health, which your arduous Circuit requires. I am still well, and hope to meet you early in May. I am at this Moment enjoying the Hospitality of our Friend Troy, and preparing to set out for Court. My Love to Anne and to Mr. Kirkland. Yours. Affecty.

A. D. Murphey.

Thomas Ruffin esqr.

Recollect, I pray you, to sign Cabells Deed, and acknowledge it in Open Court. Have the Seal of the Court affixed and get the Certificate of the presiding Magistrate. I sent You a Deed twelve Months ago filled up, with a Letter from Debow on the Subject. A D M.

[Address: Hillsborough.]

From Henry Branson.[1] M. MSS.

FAYETTE VILLE 11th April 1819

Dear Judge

I here inclose you 4 Letters one of which I have open'd knowing it to be Doctor Montgomeries[2] Hand Wrighting. I Trust we shall be able to meet Oliver Evans on good ground.

We have hard times with the Canal and nothing but perseverance will do. Had I believ'd we should have met with such opposition I would have sluised the River.

I receiv'd your letter from Bladen Court and observe its Contents. I have shewn Davises[3] letter to several persons who Join in their opinnions that he could not get one third of the sum he asks. We have got liberty from the Commissioners to pass up mumford street and all the House ownes on that street are much displeas'd with us so much so that if the board will agree I will Carry it through our land out to wards Malletts Mill and back Near McMillens ware House and so on to the Bason.

The work would go on well if there was not so much opposition. All well. I remain yrs.

H BRANSON

Arch'd D. Murphy

[Address: Wilmington.]

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[1]Henry Branson (1765 or '66-1831), a prominent merchant of Fayetteville and president of the Cape Fear Navigation Co. He represented Randolph County, where he was born, in the House of Commons, 1792-1797, and in the Senate, 1800-1803. See *Carolina Observer* (Fayetteville), Oct. 26, 1831.

[2]Dr. William Montgomery, of Orange, who had been sent to the north by Murphey, Branson, and others sued by Evans, for the purpose of obtaining depositions.

[3]Probably a contractor with whom the company was negotiating.

To Thomas Ruffin. RUFFIN MSS.

FAYETTEVILLE. 25th. April 1819.

My Dear Friend.

Dr. Montgomery informs me that he left with You Copies of the Depositions which he has taken. You told me that You should not attend the Federal Court: and Badger informs me that he will not. From Moore Court, I have to go to the Pedee to attend the General Meeting of the Stockholders in the Yadkin Company, and shall not reach home Untill Tomorrow (Monday) two Weeks. And I shall have to leave home on Tuesday for Raleigh. If you should not go to Raleigh, I beg you to forward the Depositions to Mr. Scott, that I may have an Opportunity of reading them before I reach Raleigh. Dr. Montgomery writes to me that he left them with You for Mr. Badger: But if he decline going to the Court, he will not want them. I hope our Proofs will bear us out. You well know how much I should be gratified to cost Evans, Altho' I feel sorry for his late Loss.[1]

Thank God! my Circuit draws to a Close. I am fatigued with *doing Nothing*, for We have had little, very little to do. This Course of Life will render me indolent and good for Nothing. I have employed my Time between the Courts in riding over the Country and learning its Topography: and I know ten times as much of the Topography of this Circuit, as the Men who have lived here fifty Years. I had no Idea that we had such a poor, ignorant, squalid Population, as I have seen. Who that sees these People, and those of the Centre and the West, can wonder that we wish to have a Convention? In the Towns are found, decent and well informed Men in Matters of Business, Men who look well and live well. But the Mass of the Common People in the Country are lazy, sickly, poor, dirty and ignorant. Yet this is a Section of the State, upon which the Hand of Industry would soon impress a fine Character.

I am a good deal disheartened at the Decline of the Cape-Fear Trade. None are so blind as those who will not see. I thought it as plain as Truth itself, some time Ago, that this Trade

[1]Marginal note: "I Recd. your Letter covering my Note."

would decline, and that Fayetteville would become an insignificant Village, if Improvements were not speedily made for bringing the Trade of the Deep and Haw Rivers, and of the Pedee, to the Cape Fear. Whilst the People of the Dan are uniting their Energies to open to the Tobacco Trade a new direction; and the People of South Carolina are pouring out their Treasures to draw to themselves the Commerce of the Catawba and the Pedee, People here, are wondering Why the Planters have not brought in their Tobacco and Cotton: are squabbling about the Canal; making War upon the Company, and really (with the exception of Mr. McNeil, Hearsay,[1] Branson and a few Others), believing that the Tobacco and Cotton are still in the Planters Hands, and not in Norfolk and Charlestown. It is a fact, 'tho' it is very unwillingly acknowledged, that not more than one third of the usual Quantity of Tobacco, and scarcely one half of the Usual Quantity of Cotton have come to the Cape Fear this Season. I wish our Friends did not own so much Property here. I fear there is something in the Character of the People here, so radically at War with that Union and Energy, which the present Crisis requires to save Fayetteville, that the place will go to Ruin. She has many Advantages, if she would improve them. Mr. Conty has completed his Survey of the Lumber River Canal, and laid out the Route of the Canal.[2] His Map and Profile of this Survey is in the highest Style of elegance. His Report is favourable, very favourable. His estimates of the expence are $372.000. Would Fayetteville do this Work, and open the Cape Fear to Haywood, We might concentrate at this place one half of the Trade of the State. I still think the great Inland town of the State will be on the Pedee,[3] and that Smithville will be the Shipping Port. It is very easy to open a fine Navigation from the Lumber River to Smithville: and the Lumber River may be approached either from Sneedsboro' or the Grassy Islands. God bless you. Yours. Affecty.

A. D. MURPHEY.

Thos. Ruffin esqr.

[Address: Hillsborough.]

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[1]George T. Hearsay, a Fayetteville merchant.

[2]See Vol. II. p. 117. The canal was to connect the Yadkin (Pedee) and Cape Fear rivers.

[3]Sneedsboro. See *ante*, p. 132.

From Treasurer John Haywood. M. MSS.

RALEIGH 26th April 1819.

Dear Sir,

Your much valued Letter of the 28th Ulto. was brought me, from Fayetteville, in course of the Mail. I lôst no time in covering the Receipt for Seven hundred and fifty Dollars ($750-00) which was enclosed by you; and handed the Check on the Bank for that amount to Mr. Ragsdale, in person; and I am persuaded your business in the Bank, as mentioned by you, was immediately acted on by him.

I delivered likewise your Message to Mr. Price, who was then about to go and has since gone to Newbern, being called on to attend the Court there as a Witness. Mr. Price said, he will hold himself in readiness to commence the Work mentioned by you, as soon as your Instructions shall be received; and added, that as the Employment assigned him by you would rule to his being frequently on the Water, he hoped he might be permitted to select his *assistant;* and said moreover, that he would write you on that subject. Mr. Price spoke very favourably and indeed in terms of Commendation of Mr. Clemons;[1] but added, that in a Work of the kind to which you had called him, he would greatly prefer an Assistant accustomed to being on the Water occasionally, and to living in the low Country generally etc. etc. Understanding from him that he would write you, expressive of his Wishes in that particular, I concluded it would be best to postpone making any Communication to Mr. Clemons on the subject, until I should again hear from you.

I am gratified at the promising Prospects of the Cape Fear, as mentioned by you; and very sincerely hope all the Canals you have mentioned, as well as such other Communications as may be thought advisable, for connecting the Waters of the Peede and Yadkin Rivers with the Cape Fear, may be found practicable, useful and popular; as I dislike extremely the shipping the Products of our State from Ports other than our own.

Price has seen and had a Conversation with the President, on

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[1]Woodson Clements. See *post*, p. 358; vol. II. p. 99.

the subjects of our sea Coasts and Waters generally; and writes me, he has been pleased and flattered on the occasion.[1] I fear to indulge or rather to express my Wishes and Hopes in regard to the bettering our Outlets to the Ocean, even to you; lest you should consider me an Enthusiast or Visionary. My Expectations never fail to be on tip toe however, when I see any thing said which may lead to a prospect of our getting to sea *directly* and by Roanoke Island; as it is said was formerly practicable, with the abundant Produce raised on and at present carried down that River. Our State is unquestionably humiliated by being under the necessity of seeking Ships at Norfolk, instead of having them in our own Ports. The President and others, we are told, visited Roanoke Island; and it is possible some good may grow out of that circumstance. As you saw him, I am persuaded you also heard him, on that subject.

The Committee of Appointment for our University has never yet met. Judge Potter declines acting as a Trustee or Committee Man. Judge Ruffin was at the Supr. Court for this County, and I said to him, that when his other pressing Business should be disposed of, we would talk of the University. He assented, but we did not meet, and I concluded his Engagements in the Court rendered his attendance on other business out of his power. I mentioned to Colo. Polk the idea you suggested of our applying, through Mr. Adams[2] and others, for a proper Character among the Episcopalian Clergy to promote to the Professorship of Rhetorick and Logick in our University. He and myself agreed in opinion, that the *smallness* of the Salary allowed rendered the Thing impracticable: and indeed, we

[1]In April, 1819, President Monroe and John C. Calhoun, then Secretary of War, on a southern tour passed through North Carolina. At Edenton they stayed for two days in order to visit the site of the proposed direct outlet to the sea from Albemarle Sound with several of the commissioners appointed by the General Assembly to have surveys made of the sounds and inlets. From Wilmington, on April 16th, "his Excellency and suit accompanied by his honor Judge Murphey, and a number of gentlemen, visited the salt works, on the sound, at Wrightsville. On his return his Excellency, the Secretary of War, etc. partook of a dinner, with the citizens, at the Wilmington Hotel." One of the toasts drunk at the dinner was "Prosperity to the commerce of the Cape-Fear," proposed by Murphey.—Raleigh *Star*, Apr. 23, 1819.

[2]John Quincy Adams. He had been professor of rhetoric at Harvard.

thought it would not be advisable to inform them abroad how poor, and of consequence how very parsimonious our University is under the necessity of being. It was thought other difficulties likewise would possibly grow out of such course, even admitting it should enable the Committee to obtain a Professor; as the Members of our different religious Denominations are not always liberal, and even the Clergy might some times, by a Layman, be considered as faulty in that respect: or would seem, according to the seaman's phrase, not to lay well together. Had a Meeting been had last Court between Judge Ruffin and ourselves, we would have talked matters over, and stated our reasons for thinking it might be best to appoint Mr. Kollock,[1] the Gentleman recommended by Mr. Caldwell, to the Professorship in question, at once: but no Meeting took place, and matters remained in statu quo, until about the first or second Week of the present Month; when a lengthy Letter was received from Mr. Caldwell, in which he shewed himself sore and much hurt in consequence of the Proceedings of the Trustees at our last annual Meetings:—mentioned your and Judge Potter's Resignations of your Seats at the Board as occasioned or brought about by those Proceedings:—and shewed himself under the impression, upon the whole, that the Proceedings in question were had and meant for the purpose of ruling him *to retire* from the Presidency. He suggested the necessity of calling the Board in June at the Commencement etc.—Said there would be no danger of his being put to inconvenience, in consequence of his retiring from his present station, as the Professorship of Mathematicks at Columbia[2] would be now shortly vacant etc. Mr. Caldwell appeared much hurt and quite uneasy lest it should be considered by any, that he was not willing to retire, although illy treated and expected to retire etc. etc. Colo. Polk and myself, in a joint Letter, endeavoured to satisfy and convince him, that the opposition to his Proposition in its

[1]Shepard Kosciusko Kollock, a Presbyterian clergyman from New Jersey. His election caused an outcry against President Caldwell for filling the Faculty with Presbyterian preachers. Haywood and Polk were both Episcopalians, but thought it imprudent to elect one of their own faith in view of the lingering popular prejudice against the Church of England.—Battle, *Hist. Univ. of N. C.*, I. 254-255.

[2]South Carolina College, Columbia, S. C.

first dress, was principally on the ground of its conflicting with the spirit of our Constitution:—on the ground also of its being unpopular etc.—and in its amended dress, it was objected to as bearing too hard on the scanty and reduced funds of the Institution:—and as being a Thing that might be dispensed with for a time etc. We took other grounds; but let him know, upon the whole, that however the Members of our Board might disagree on other subjects, there was one Mind and one Opinion only among them as *to himself*:—That all respected and esteemed him:—gave him due Credit for past services, and were disposed to provide better for him in future; and that none of us would part with him, but with much regret and unwillingness; thinking as we did, that the Utility if not the very existence of the University, depends on his remaining at it etc. He had said, he would not officiate in his present Capacity, unless he was supported by an assistant in preaching etc. We answered, that we were bound by the Orders of the Board to get him one, and that we had agreed to offer the Professorship in question to Mr. Kollock, and to ask of him to commence his business with the next session; in case you or Judge Ruffin agreed with us, and in the Event of his, Mr. Caldwell's, naming no other person as one to be preferred etc. I think it doubtful whether Dr. Caldwell will not go to Columbia, where he has been long wanted by the Trustees. I fear he will not again be satisfied and pleased with remaining in his present useful Employment. Yours JOHN HAYWOOD

(Judge Murphey)

From Robert Cochran.[1] M. MSS.

FAYETTE VILLE 23rd. May 1819.

A. D. Murphey Esqr.

Dear Sir,

I herewith inclose you the Abstract of Exports from Wilmington during the year 1818. You will observe by the Note

[1]Robert Cochran, Collector of the Customs of the District of Cape Fear. He was a member of the House of Commons from Cumberland County in 1779 and 1780, and from the town of Fayetteville in 1796, 1802, and 1804.

annex'd to it by my Deputy, that it does not embrace all that is exported, Vessels going to an adjoining State not being obliged to clear; neither does it contain the Value, as Vessels which do go Coastwise and clear do not affix any Value in their Manifest. I hope what I do send may aid you in your proposed Memoir,[1] and I shall be happy to furnish you with any other information you may require.

I am Sir
very Respectfully
yours etc.
ROB. COCHRAN.

[Address: Haw River Post Office.]

Special Commission from Governor Branch to Act as Judge of the Supreme Court.[2]

State of North Carolina

To the Honble Archibald D Murphey one of the Judges of the Superior Courts of Law and Courts of Equity—Greeting

Whereas the cause of Ballard and wife against Hill[3] is depending in the Supreme Court of this State which the Honble Leonard Henderson one of the Judges of the same is incompetent to decide, and the Honble Joseph John Daniel one of the Superior Court Judges appointed by virtue of a letter missive to act in his place and stead being upon reflection and further

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[1]*Memoir on Internal Improvements*, printed in vol. II. pp. 103-195.

[2]Copy, in Gov. Branch's letter-book, N. C. Historical Commission. John Branch (1782-1863), of Halifax County, A.B., Univ. of N. C., 1801, was state senator, 1811, 1813-1817, 1822, 1834; speaker of the Senate, 1815-1817; governor, 1817-1820; U. S. senator, 1823-1829; Secretary of Navy under Jackson, 1829-1831; member of Congress, 1831-1833; member of the constitutional convention of 1835; and governor of Florida Territory, 1843-1845. He was a firm Democrat and an able party leader. "Inheriting an ample estate," says Parton, "he lived for many years upon his plantations and employed himself in superintending their culture. He was a man of respectable talents, good presence, and high social position." Murphey dedicated to him his *Memoir on Internal Improvements*.—Ashe, ed., *Biog. Hist. N. C.*, VII. 52-54.

[3]Reported in 3 *Murphey's Rep.* (7 N. C.) 410.

examination found also to be incompetent to sit therein, of which I have been officially informed by the Judges of said Supreme Court

And whereas the act[1] supplemental to the act concerning the Supreme Court authorizes and directs the Governor of the State on being officially informed of the incompetency of any one of the aforesaid Judges to decide in any cause or causes pending in the said Court either in consequence of a personal interest in the event thereof or of some other sufficient reason to authorize and require some one or more of the Judges of the Superior Courts to attend the said Supreme Court and to sit therein as a Judge or Judges in the trial of the said cause or causes

This is therefore to authorize and request your attendance at the Supreme Court during the present term thereof for the purpose of aiding in the determination of the said Cause

To which end you are hereby vested with in pursuance of the act aforesaid with the power Jurisdiction and authority in relation to such cause which belongs to or can be rightfully exercised by any Judge of the said Supreme Court[2]

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[1]Laws of 1818, ch. 936. This provision of the act, being considered of doubtful constitutionality, was repealed in 1821. See Gov. Franklin's message, Nov. 20, 1821.

[2]Judge Daniel, the senior Superior Court judge, was commissioned by the Governor to sit at May term of the Supreme Court in this case and five others in which Judge Henderson, who was elected from the bar, had been of counsel. Daniel and Murphey were the only men who ever enjoyed this peculiar distinction. It did not come again to Daniel, but Murphey was a member of the court in Henderson's place for the determination of five cases at the succeeding November term, and six cases at June term, 1820. Daniel delivered opinions in all of the decisions in which he took part; Murphey wrote no opinions, and his law reports (which conclude with the decisions at November term, 1819) do not even mention his name in connection with four cases in which he sat and which he reported.—Gov. Branch's letter-book (N. C. Historical Commission), pp. 245-246, 309; 3 *Murphey's Rep.* (7 N. C.), 54, 61, 149, 197, 403, 428 n., 483, 493, 511, 566, 594; 1 *Hawks's Rep.* (8 N. C.), 16, 77, 82, 86, 92, 126. See *The Green Bag*, IV. (1892) 465; "In the Matter of Presenting to the Supreme Court of North Carolina, on behalf of the Murphey family, a portrait of Honorable Archibald D. Murphey, Tuesday, 27 October, 1908," in 149 N. C. Rep. 582-595. In this connection it is worthy of note that many arguments of counsel given in Murphey's law reports were his own, although that fact does not appear from his report.

In Testimony whereof I have Caused the Great Seal of the State to be hereunto affixed and signed the same at the city of Raleigh on the June A D 1819

JNO. BRANCH

By the Governor

Will Plummer P[rivate] Secretary

From M. Harvey.[1] M. MSS.

FAYETTEVILLE July 15- 1819

Dr Sir/

Since you left this place I have bin offering my tobaco and other artickels for Sale but with no Sucksess. I have not bin able by Sales or collection to lay hands on ten Dollars. I cold live with my artickels but pay no Debts. My Shoe makers hatters and other Shop keepers that my men has bin Dealing with is cauling on me and thretening me with the law Every Day. If it is in your power to Send me $300 amediately that the may be stoped from harusing me as the are at present, I feel confident I can keep the work up; if not I am confident I Shall be obliged to Serender to the Grate Ingery of the cumpeney and Ruin of my Self. Every Days Exsperance heare presents its self worse and makes more Innimeeys to this Grate worke which makes me more silissetis for assistance at the present that tha may be convenced of thair folley.

yours Respectfully etc

[Address: Orange.] M HARVEY

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[1]This letter from one of the Cape Fear Navigation Company's contractors is inserted to show the kind of men employed to execute Murphey's plans of internal improvement, and the difficulties under which the navigation companies labored at this time.

To Colonel William Polk.[1] M. MSS.

Dear Col.

My time has been so much engrossed by the Business of the Engineer,[2] that I have not been able to complete the Memorandum which I wished to give you. Untill I can complete it, I beg to draw your Attention to the following Points.

1. The first Revolutionary Movements in this State; the principal Actors in them; the Parts of the State in which they took place etc.

2d. The first election of Members to the Continental Congress: the Names of the Members.

3. The Progress of the Revolution here anterior to July 1776 —the Proceedings in Mecklenburg—the Declaration of Independence by the People of that County. the Steps taken by them in Consequence of this Declaration.

4. The Raising of the Regiments of the Continental Army in this State—their Officers—their Equipments: The State of Supplies before their March: their March to the North etc.

5. Your Birth: early education; entrance into the Army—March to the North—Your Campaigns there—Your Wounds and the Battles in which they were Received, with a Detail of each Battle—Your Return to this State—Your Operations in the Southern War in Detail—Your Retiring from Service.

Your employments in Civil Life, particularly in the General Assemblies, giving a minute Acct. of each Session, the Subjects of Interest which were acted upon.

The early Settlements beyond the Mountains—Land Office

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[1]William Polk (1758-1834) served with distinction during the Revolutionary War as lieutenant and lieutenant-colonel of South Carolina troops and as major in the North Carolina Continental Line; was one of the three chief surveyors for "John Armstrong's office," 1784-1786; member of the House of Commons from Davidson County, now part of Tennessee, 1786, and from his native Mecklenburg County, 1787, 1790, 1791; supervisor of internal revenue for North Carolina, 1791-1808; first president of the State Bank, 1811-1819; president of the Neuse River Navigation Co., 1826; and the most active trustee of the state university for many years. He was a staunch Federalist, and North Carolina manager of the Presidential campaigns of Andrew Jackson, his personal friend from boyhood. He moved from Charlotte to Raleigh about 1800.—W. M. Polk, *Leonidas Polk, Bishop and General* (New York, 1893), I. 21-39; *Raleigh Register*, May 19, 1826. See his autobiography, written for Murphey, in vol. II. p. 400.

[2]Hamilton Fulton. See *post*, p. 148.

for Tenessee—John Armstrong's Office—Mode of procuring Locations—Appointment of Surveyors—Your Operations as Surveyor.

The History of the Frauds in the Land Office—Names of Persons implicated—Course taken by the Legislature.

Interesting Anecdotes of your Life connected with the events of the Revolution, or Proceedings of our Genl. Assembly.

6. The Biography of Genl. Davie—And Accounts of your most distinguished Cotemporaries both in Military and Civil Life.

7. History of the Contested Boundary between this State and S. Carolina—its final Settlement.

8. History of our University.

I beg you to write to Col. Hawkins[1] and entreat him to write out a full History of the events of the Regulation, which he remembers, assigning Dates as accurately as he can. It will probably be an Amusement to him, and will serve to throw Light upon an interesting event in our History.

Yours. truly.

16th. July 1819: A. D. MURPHEY.

Col. Polk.

[Address: Raleigh.]

From Hamilton Fulton.[2] M. MSS.

RALEIGH 10 Augt 1819

Dear Sir

I have been so little at Raleigh since I had the honor of seeing you that I trust you will excuse my not having said any thing of my proceedings before now. I examined the Neuse as far as Newbern and am happy to say there are no serious ob-

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[1]Col. Philemon Hawkins (1752-1833), of Warren County, who had fought in Gov. Tryon's army against the Regulators at Alamance in 1771.

[2]Hamilton Fulton, an English engineer of ability and experience who was employed by the State of North Carolina at a large salary. He arrived in Raleigh in July, 1819, with Robert H. B. Brazier, his assistant, and began at once an examination of the works of the navigation companies. He resigned in 1825, and became chief engineer of Georgia. See vol. II. pp. 119-120.

structions in the whole of the River. The falls appear to me trivial and will be very easily overcome by dams and Locks which is in my opinion the only means of making it a good and permanent Navigation. Below Smithfield it is considerably obstructed by Logs, and Sand Shoals, and as it is my believe that a number of Sand Shoals have been formed by the Logs I have recommended to the Directors to get them taken out of the River and after the winters floods I shall be the more able to judge of what obstacles there are to contend with. I have set Brazier to Survey the River from Major Turners ferry which is about 3 Miles below Smithfield to Stones Mills. Until this is finished I cannot tell either the number of Locks or their probable expense. As soon as I had finished the Neuse report I set off for Roanoke and I should be very glad if I could give you as favorable an opinion of it. The Messrs. Baldwin examined and reported on four different lines of Canal neither of which as it appears to me have they adopted. Messrs. B. recommended a line in a similar direction to the one now operating upon with this difference that the water was to be taken out about 4 Miles higher up the River than where it has been. Had they seen the River in the state it was when I examined it I am almost certain they would not have advised leaving the River lower than above Mr. Eaton Pughs falls. It appears to me that with the exception of about two miles at two different places there are nearly as formidable obstructions above as below the entrance. I expected before this to have examined the Tar River but it did not suit the President Mr. Jno. D Hawkins sooner than Saturday next to have a meeting and as that was rather too long for me to remain at Louisburg "kicking my heels" I came here and reported on the Roanoke. To morrow I intend going down the Neuse to see how Brazier gets on with his Survey and how the men who are removing the logs in the River succeed. On friday I return to Louisburg to examine the Tar. Thereafter I shall immediately proceed to Fayetteville which will probably be about the end of the next week where nothing would give me more pleasure than to meet you provided your public and private engagements would make it suitable. At all events I shall expect a letter at the Post Office from you when probably you can appoint some time and place

where we shall meet. I have not yet received the Instruments or Books nor have I heard of a horse. If you have heard any thing of one likely to suit I wish you would be so kind as mention it. There has been a horse and Jersey wagon purchased at Fayetteville for Brazier but as it will be of no use to him on the Neuse survey I shall probably give him a little exercise on the Cape Fear and Yadkin. I have not yet received the Instructions[1] you were so obliging to say you would send me. If you have not already forwarded them perhaps it will be better to address them to me at Fayetteville. I had a letter from Mrs. Fulton yesterday. She says she had heard immediately before her writing that Mr. Browne had been dangerously ill. She likewise says I may daily expect an offer from the British Government to make a Survey of the St. Lawrence, but it will depend upon a variety of circumstances whether I accept of it. I should prefer the Climate of North Carolina to that of Canada and unless there is a material difference in the pecuniary Scale I would as soon stay where I am if there is any likelihood of my situation being settled for some years; the weather has been *comfortably* warm and great complaints prevail over the country for want of rain altho' there have been showers almost every where that I have been but not sufficient to satisfy the thirst of the People.

I have the honor to be
Sir Your Most Obed Ser
HAMILTON FULTON

[Address: Haw River]

To Thomas Ruffin. RUFFIN MSS.

HAW-RIVER. 14th Augt. 1819.

Dear Friend.

I had intended to go to Hillsboro' on today; but my Wife is quite unwell this Morning and the Weather is threatening. Did you bring me a Letter from Chatham? If so, please send it up by the Mail this evening.

[1]Printed in vol. II. pp. 120-151.

I understand Barbie[1] is elected. Poor Orange I had augured better of her good Sense than to give up Mebane. I am getting disgusted with North Carolina; and if Things do not change for the better, I shall quit the State as soon as I get my Debts paid off. I have just completed a Paper[2] for the Principal Engineer on the Ways and Means of making her a great State. But I see clearly that it is all idle Labour, at least for this Generation. Those who labour now will meet with Nothing but Vexation, Chagrin and Disgust. Another Generation will profit by their Labours: The Spirit of the present is radically mean and grovelling. God bless you.

Yours. Affecty.

Thomas Ruffin esqr. A. D. MURPHEY.

[Address: Hillsboro.]

To Thomas Ruffin. RUFFIN MSS.

HAW-RIVER. 14th. Augt. 1819.

Dear Friend.

I have this Moment Received your Letter covering Mr. Alston's Writ, the Service of which I have acknowledged. I now enclose it to You, and beg you to have a Plea put in for me, or sign Judgt. only by Def[aul]t. Mr. Branson informed me that the Writ was out agt. him. The Truth of this Matter (inter nos) is this: Some time Ago, Mr. Branson being pressed, I took up a Note of his in the Bank at Fayetteville rather exceeding my Moiety of this Bond to Alston, hoping in due time he would be able to meet this Demand. His difficulties have not got less since; But should I have to pay this Money to Alston, I shall keep the Land. I can dispose of it for a good deal more than a Saving Price. I don't wish you to mention the Circumstance to any one: for Mr. McNeil through whose Hands the Business passed, has never been made acquainted with the Object of it. Poor Branson has so

[1]William Barbee, of Orange County. He had defeated James Mebane in the election for members of the House of Commons.

[2]See vol. II. pp. 120-151.

few Friends that I took a pleasure at a Moment when it was in my Power, to oblige him—and should it prove a total Loss (of which I have no fear) it will never cost me a Sigh. Branson was one of my earliest Friends when I came to the Bar, and he was a steady Friend to Mr. Duffy and his Family. He has his Foibles and his Weaknesses: But he has a generous and a feeling Heart, which I prize above all the cold Cardinal Virtues. * * *

I have not yet closed my Contract with Lenox. It is probable we shall Agree. If I don't sell Lenox Castle, I shall sell my Yadkin plantation. Having begun to pay my Debts, I shall persevere in so doing, Untill all be paid. I can write to You freely, because you will not abuse my Confidence. I have long forseen that When I began to *pay off,* I should be looked upon with very different eyes than whilst I was contracting Debts. You know that I have had to save all the Branches of my Family (except Dr. McAden's) from Absolute Ruin. It was a Task that required not only exertion, but Management. You will Remember how from time to time by Credit has tottered. At any Crisis of this sort (for I could easily understand when it arrived) I made a large Purchase. It never failed to Anchor me Again. The Timid became confident, the weak wondered and admired and thonght my Resources were boundless. No Man ever knew my Views nor the Situation of my Affairs: and I am well convinced no Man will ever get through a Scene of difficult Trial, who does not keep his Projects to himself. A little Talk actually evaporates them. I have committed myself a little from time to time, and always suffered from it.

I have got all the Family through *their difficulties,* and their Credit, Altho' injured has not been ruined. I finding myself left to scuffle only for myself, resolved to take a Retrograde Course: to sell instead of Buying: to pay instead of runing in Debt. I knew that as soon as I took this Course, my Credit would be injured. The World knew not why I bought; they suppose I sell because I am in Debt. But all that can befall me in this Course, will be a few Suits. I shall go on and

never stop Untill I pay all that I owe. You will believe me, but you will think it very improbable, When I tell you that since last November, I have diminished my Debts $40.000. They shall continue in a Regular Course of Diminution, Untill the Quantity becomes evanescent. No Being in this World knows the efforts I have made nor the Anxieties which have tortured me. My Brother, Poor fellow, has stuck by me, sacrificed upon the same Altar, had the same Pennances to make and the same Prayers to offer up. * * *

What Money I can send you for Mrs. Freeland[1] I cannot tell. I will send You all that I can get. I will settle Mr. Caldwell's Business with Mr. Martin and remit you the Money. Write to me at Wilkesboro', Morganton, Rutherfordton, Lincolnton and Iredell.[2] Farewell—and I pray God to bless you and all your Family.

Yours. Affectionately.

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[Address: Hillsborough.]

From Colonel William Polk.[3]

RALEIGH, August 18, 1819.

My dear Sir,

It has not been in my power to bestow as much time on the subjects mentioned in your memorandum of the 16th ult. as I could have wished, and what I have written is so crudely put together. without form, grammar and orthography, with numberless interlineations and erasures, that I fear you will not be able [to] glean any thing worth your observations.[4] I have

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[1]See *ante*, p. 65.

[2]In the fall of 1819 Judge Murphey rode the Mountain, or Western circuit, which comprised the counties of Surry, Wilkes, Ashe, Buncombe, Rutherford, Burke, Lincoln, Iredell, Cabarrus, and Mecklenburg, and Haywood.—Raleigh *Star*, July 30, 1819.

[3]A. L. S. New York Public Library, Emmet Collection, No. 1493. Printed in W. H. Hoyt, *The Mecklenburg Declaration of Independence: A Study of Evidence Showing that the Alleged Early Declaration of Independence by Mecklenburg County, North Carolina, on May 20th, 1775, is Spurious* (New York, 1907), p. 180.

[4]For the historical narrative enclosed in this letter, see vol. II. pp. 196-202.

been too much hurried in my preparation for Tennessee to give to any thing else much of my time.

I am not sufficiently acquainted with the Biography of Gen. Davie to give you such an account of him as would be sufficiently interesting; nor am I well enough acquainted with the history of the establishment of the present boundary between the States of N and So Carolina to say any thing worthy of the subject.

The History of our University: you are in possession of all I could say on that subject.

I set out on Sunday for Nashville, to be gone I do not know how long. I wish you, my Dr Sir, much health and happiness. very respectfully,

WILL: POLK.

To Thomas Ruffin. RUFFIN MSS.

HAW RIVER. 15th. Jany. 1820.

Dear Ruffin.

Mr. Cameron and myself will not make a Bargain about my Yadkin Lands. We have just returned. I will tell You Particulars When I see You. Say Nothing About it. I shall go to Raleigh and see Boylan. Shall start this Morning.

I have not five Minutes to write. We have just got home After a Ride of 47 Miles on today, and he sets out early in the Morning.

Mr. Jessup has been here whilst I was on the Yadkin. You and myself may prove more fortunate than either of us expected in this Business. Mr. Jessup had with him some of the Richest Ores. He says, the Mine[1] was shewn to him 20 Years Ago by a Silver Smith who lived in Newbern, and who was in the Habit of going Annually to the Mine to get Ores. Jessup was then a Boy. Latterly he went to search for the place and found it. He says there is a very large Portion of Silver with

[1]In the Saura Town Mountains, in Stokes County, on a tract of 2500 acres purchased by Murphey in 1815. See Ruffin v. Overby, 88 N. C. Rep. 369.

the lead. And He left here a small Bar of Metal melted and hammered from the Ore. It is evidently Copper, I think. He says he can run Bullets from the Ore. I have sent after him to come here on Saturday next; and I wish You could come up on that day. If necessary, I will go on with him to Stokes —and I should be glad you would go also. No one will know our Business. Yours. Affecty.

A. D. MURPHEY.

Thos. Ruffin esqr.

[Address: Hillsborough.]

From Judge Frederick Nash.[1] M. MSS.

HILLSBORO the 26th of Jany. [1820]

Dear Sir

I return you by Isaac the notes which you sent me for my name. I am gratified it is in my power to accommodate you in any way. Will you permitt me to express to you the deep anxiety I have felt on your account, from reports I have heard? [Some][2] of your best and warmest friends have suffered [the] opinion to escape them, that the pressure of the time[s woul]d at length prove too great for you. Out of your own domestic circle, my dear Sir, there is no one who feels for you a sincerer friendship than I do—who would more truly grieve at any misfortune which might betide you—but I have an additional interest—when the seventy four[3] sinks the tender along side

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[1]Frederick Nash (1781-1858), A.B., Princeton, 1799, son of Gov. Abner Nash and nephew of Gen. Francis Nash, commenced the practise of law in New Bern, his birthplace, in 1801, whence he removed in 1807 to Hillsboro; represented New Bern in the House of Commons, 1804-1805, the county of Orange, 1814-1817, and the town of Hillsboro, 1828-1829, and was speaker in 1814; was a judge of the Superior Courts, 1818-1826, 1836-1844; judge of the Supreme Court, 1844-1858; and chief justice, 1852-1858. He was an able advocate and judge, an eloquent speaker and polished writer, and a gentleman of high character.—Ashe, ed., *Biog. Hist. N. C.*, I. 405-410.

[2]The portions of this letter enclosed in brackets have been obliterated by stains.

[3]The old name for a warship carrying 74 guns.

of her is also engulphed. My dear Murphey may I beg you to write me on the subject—let me know your opinion—with it I shall be satisfied. Yours truly and sincerely

F NASH

I have written to Mr. Hill[1]

Love to Cornelia and best respect to Mrs. M.

[Address: Haw River.]

To James Iredell.[2]

RALEIGH. 17th. Feby. 1820.

Dear Sir.

I thank you for your friendly Letter by Mr. Johnston.[3] I rejoice that he has been appointed a Member of the Board of Internal Improvements.[4] He has Intelligence, Zeal, and Wealth, and will render to his Country many useful Services in the Station which he now fills. I had the Pleasure of seeing him About 20 years Ago at Chapell Hill. He has altered much in his Appearance and I should not have known him. He will tell you What the Board have done at their first Meeting. We are now in a fair way, at least to procure much useful information relative to the Capacities of the State for Improvement, and to have this Information embodied into Systematic Form: And I hope a few Years will convince all who have doubted, that North Carolina can be made a great and respectable State. If we can hold our Course a little time longer, We shall assume an imposing Attitude that will no less astonish Ourselves than our Neighbours.

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[1]William Hill, secretary of state.

[2]A. L. S., Hall of History, Raleigh, N. C., Charles Earl Johnson Collection of the Iredell papers. James Iredell (1788-1853), of Edenton, A.B., Princeton, 1806, son of the justice of the U. S. Supreme Court of the same name, was a captain of volunteers at the defense of Norfolk in 1813, member of the House of Commons, 1813, 1816-1820, 1823-1827, and speaker thereof, 1816-1818; judge of the Superior Courts, March-May, 1819; governor, 1827-1828; and U. S. senator, 1828-1831. He was a strong advocate of internal improvements and public schools, and distinguished for his scholarly attainments.—Wheeler, *Reminiscences and Memoirs of N. C.*, pp. 123-124; Ashe, ed., *Biog. Hist. N. C.*, II. 204.

[3]Charles Earl Johnson, of Chowan County.

[4]This board and a fund for internal improvements were established by the last legislature, after a five years' struggle.

I wish my private Affairs had permitted me to ride your Circuit this Spring.[1] It would have given me great pleasure to be from time to time with Messrs. Johnston and Fulton Whilst they are surveying the Albemarle. The Newbern Circuit is allotted to me in the Fall, and I can't visit Edenton before next Spring. Remember me Affectionately to Mr. Skinner. Your Affectionate Friend.

A. D. MURPHEY.

James Iredell esqr

To Thomas Ruffin. RUFFIN MSS.

RALEIGH. 18th. Feby. 1820.

Dear Ruffin.

The Board of Internal Improvements has been in Session since Monday 'till Yesterday night, and having some private business to attend to I have been detained here today to wind that up. On Monday night next I promised Mr. Jessup to be at his House on my Way to the Mountain. * * *

My Brother has just Received from Tenessee Overtures for a Compromise of the great Suit of Rice's Heirs brot by Debow.[2] He sets out on next Week for Tenessee to attend to this business and have our Chickasaw Lands surveyed.

God willing, I will get through all my difficulties regardless of Law-Suits, Surmises and Predictions, and live to honour you for your Goodness as it deserves.

Your Affectionate Friend.

A. D. MURPHEY.

Thomas Ruffin esqr.

[Address: Raleigh.]

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[1]This spring Murphey rode the Hillsboro circuit, composed of the counties of Chatham, Randolph, Rowan, Stokes, Rockingham, Guilford, Caswell, Person, Granville, and Orange.—*Raleigh Register*, Feb. 18, 1820.

[2]See *post*, p. 219n.

To Colonel William Polk. M. MSS.

RALEIGH. 18th. Feby. 1820.

Dear Col.

I do not yet know whether I can get along without selling more of my Negroes. I have about sixty remaining, a greater Number than render me Service, or than I can well manage. But Altho' Others treat their Negroes as well and perhaps better than I do, mine are attached to me, and I did not know Until the Time came, what Pain it would give me to sell them. Should I find that I must sell now, I shall inform you of it, And I thank you for your friendly Offer to purchase.

I wish as you are disposed to purchase Lands that you would purchase on the Cape Fear and lend us the Weight of your Name in that Quarter. I expect you can get a good bargain out of Col. Farrar,[1] if you want Lands in that Neighbourhood. There is a Valuable Mill on New-Hope ten Miles from Haywood, built by Mr. Archd. Haralson during the last Year, and lately conveyed to Col. Farrar and myself to indemnify us against a Securityship for some of the Purchase Money of the Lands. * * *

I hope you will find time during the Year to write much more on the Subjects on which you favoured me with several Sheets during the last Summer.[2] As soon as I can get my Business arranged, I intend to devote much of my Time to these Subjects, and Others connected with the History of the State. God bless you, Dear Col.

Your Very Obliged Friend.

A. D. MURPHEY.

Col. Will. Polk.

[Address: Raleigh.]

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[1]John Farrar, a farmer of Chatham County.

[2]See *ante*, p. 153.

From James Mebane.[1] M. MSS.

[MASON HALL][2] Febry. the 22nd 1820.

Dear Sir

On yesterday I received your favour of that day, wishing to know whether it would suit my convenience to superintind the surveying marking etc. of the lands belonging to the University in the Chickasaw purchase. I know the trustees consider those lands of great importance to the institution and that some of the committee are fearful that it may fall into certain hands—but whether it would be in my power to render any essential service in the way you wish, I can not tell, or whether I could be absent from the Cherokee business[3] when it might be proper for me to be in Tenessee agreeable to the views of the committee.

There must be two months between[4] the time the surveys etc. are completed and the sale of the lands at Heywood court House,[5] And it is possible it might be in my power to spend some part of that time in the business of the trustees if every thing else would suit.

I expect to go to Raleigh in about two weeks from this time, when I can probably have an opportunity to converse with some of the committee on this subject.

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[1]James Mebane (1774-1857), of Orange County, was at Chapel Hill with Murphey; represented Orange in the House of Commons, 1798, 1801, 1803, 1818, 1820-1824, and in the Senate, 1808-1811, 1828; was speaker of the House, 1821; and president of the Cape Fear Navigation Co., 1827 to about 1835. He was a Jeffersonian Republican of much influence.—Battle, *Hist. Univ. of N. C.*, I. 72, 513, 823; Battle, *Sketches of the History Univ. of N. C.*, p. 177; Raleigh *Star*, June 12, 1828.

[2]Postmark.

[3]A few days before the date of this letter Gov. Branch appointed Mebane and Col. Jesse Franklin commissioners to superintend the surveying and sale of the lands lately acquired from the Cherokee Indians, comprising the greater part of the territory of the present counties of Swain, Macon, Jackson, Transylvania, and Haywood. See *Raleigh Register*, March 17, Dec. 1, 1820.

[4]Written *been* in the original.

[5]The Cherokee lands.

Indeed I would have come to your house today to see you on the subject but was feerful I might not find you at home. I remain most respectfully your friend etc.

JAMES MEBANE

A. D. Murphy Esqr.

[Address: Haw River.]

To Thomas Ruffin. RUFFIN MSS.

RANDOLPH COURT HOUSE. 8th. April 1820.

My Dear Friend.

* * * * * * * * * * * * *

Should it be convenient to you to aid me a little further during the Spring, and particularly at Guilford Supr. Court, I beg you to do it. Now that all Confidence is lost I do not pretend to ask favours of any Man but Yourself. If I can get Along Untill We can sell our Western Lands,[1] (and I hope we can the next Summer) I can soon extricate myself from all Difficulties.[2]

You admire my tranquility of Mind. I am compelled to be tranquil. I feel confident, that I could not live one month were I to yield to anxious Uneasiness; and I have no Idea of making my feelings the Sport of fortune. The true Philosophy of Life is to keep an even Course, neither to be elated with

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[1]Judge Murphey and his brother Alexander owned a large quantity of land in West Tennessee.

[2]On March 30, 1820, Murphey conveyed the bulk of his property to Dr. James Webb and David Yarbrough in trust to sell from time to time so much of it as might be necessary to keep indemnified certain sureties for the payment of his debts, due for the most part to the banks. These sureties were William Kirkland, Judges Ruffin and Nash, Dr. Umstead, Archibald McBryde, Senator Stokes, and Col. Edward Jones. The property consisted of his Hermitage estate of 2000 acres, including the mills and distillery on Haw River; 920 acres of other lands in Orange County; Lenox Castle, containing 1600 acres; 1300 acres on the Yadkin, in Rowan County, purchased of Alexander Frohock; 266 acres in Chatham County, near the town of Haywood; 9 lots in Haywood; 41 negro slaves and a half interest in 6 more; and his library of 2000 volumes. On May 27, 1820, the provisions of the trust were extended to Pasquale Paoli Ashe and Samuel Strudwick, also sureties. The amounts of Murphey's debts do not appear in the deed. The trustees made no sale until December, 1821.—Orange County records. See *post*, p. 240n.

Prosperity nor depressed by Adversity; And at the same time to keep the social Affections in full exercise. I make no Boast of my philosophy; But I have let no Occasion of Life pass, without trying to improve it, and to prepare my Mind for any event which in the Course of Providence can befal me. I am, however, very conscious of my Weakness, and of my frequent failings to preserve the steady Course which it is my Wish to pursue. Farewell, my Dear Friend.

A. D. MURPHEY.

Thomas Ruffin esqr

[Address: Caswell Court.]

To Governor Branch.[1]

GREENSBOROUGH. 27th April 1820.

Dear Sir.

I had intended to write to you several Weeks Ago, on the Subject of this Letter, but a Variety of business having kept me much employed, I have posponed writing day after day, Untill I fear what I have to say will have but little effect. Altho' I have delayed Writing, my Anxiety on the Subject Matter of this Letter is not diminished.

It fell to my Lot at Hillsborough to pass Sentence upon Sparrow convicted of the Murder of John Hunt. Few events have occurred in Orange since I lived in the County which produced such excitement as the killing of Hunt. It was an honest feeling, set in Motion by a Virtuous Principle; but a feeling, which has its Delirium, like all Others, and unfits Men for sober Investigation about the facts which gave it Birth. Having heard in detail the evidence which was given before the Jury of Inquest, I instantly formed an Opinion upon the Case directly contrary to the Common Opinion, and often expressed it in Confidence to my Friends. I have had, and still have the Opinion that the Killing was altogether unintentional. Sparrow was tried within a Month (I believe)

[1]A. L. S., N. C. Historical Commission.

after the Death, and Whilst the Torrent of Feeling set against him with an irresistible force. Why he consented to be tried in Orange, I do not know. He certainly would not have been convicted in any other County, Where the Circumstances were unknown. However, this is my Opinion. Others may think differently. The People always *feel honestly,* and at last *think* correctly: So far as I can learn the present Opinion of the People who have attended to Sparrow's Case, I think that at least three fourths of them think he was improperly convicted. They have grown cool and can look at the Case in its naked form, stripped of the Colouring which Feeling first gave to it.

I understand a Statement of the evidence will be forwarded to You. I have not seen it: but I have often heard of its Particulars. You will be able to form an Opinion as to the Manner of the Death from Reading the evidence. It seems to have been a Killing without Motive, of a Bosom Friend, an every day's Companion in Sport (for they were both idle Men), without any Quarrel, or previous Grudge. I at first thought and still think that the Gun went off at half Cock and merely by the Motion given to it by its falling upon the Right hand of Sparrow.

I have long entertained the Opinion that Capital Punishments have a most injurious effect upon the Public Morals, in all Cases except in those where the Guilt of the Sufferers is not doubted. When the People think that a Man suffers justly, they do not have their Feelings wounded, Although they may think his fate is a hard one. But Our best Feelings are wounded, When we see a Man taken to the Gallows for a Crime which we believe he did not commit. The effect of Public Executions in advancing the Cause of Justice is lost in such a Case; And it seems to me to be better that in Our State Where few Crimes are committed in proportion to Our Population, And Where the People are distinguished for their Morality and correct Feelings, the Criminal Law should in no instance be administered in such a way as to leave an Impression that a Fellow Citizen has suffered unjustly. I have thought much upon this general Subject, and I well know my Opinions differ from those of many of my Friends: Whether

in the Particular Case of Sparrow, they will be approved of, I do not know. I have thought it my duty to lay them before You. His execution is fixed for the 12th of May.[1]

With great Regard, I am, Dear Sir,

Yours truly.

His Excellency, A. D. MURPHEY.

John Branch esqr.

From Peter Browne. M. MSS.

Dear Sir,

Your letter of the 21st of Dec. last, I understand, did not reach London until about three weeks ago: how it came to be so long on its way I cannot conjecture.

The State certainly owes you much on the score of Internal Improvements, and every one must be pleased at your prospect of success. You ought always to keep in mind that new improvements will always be to be projected and executed and the old ones to repair and improve; for this purpose engineers will always be wanted, and native ones ought to be raised. They would be less expensive and answer your purpose much better than any that you can procure from Europe or any where else. I could procure them the opportunities of properly qualifying themselves. If you are well satisfied with Mr. Fulton and his salary, that is more than I am; but I could at the time do no better.

Both the University of Oxford and Earl Egremont have evinced the utmost readiness to serve us with regard to Mr.

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[1] "Buck Sparrow" was convicted of murder at Orange Superior Court in September, 1819, and on appeal the Supreme Court, Chief Justice Taylor dissenting, ordered that sentence of death be pronounced, which was accordingly done by Murphey on March 25, 1820, as he happened to be holding the Orange court at that time. The Governor did not interfere, and Sparrow was hung on the day appointed "in the midst of a vast concourse of spectators," says a contemporary account. "At the place of execution he manifested great fortitude and resignation" and "made a short address to the spectators, in which he professed to die innocent of any intention to injure the unhappy man whom he killed."—*Raleigh Register*, Aug. 20, 1819, Apr. 7, May 19, 26, 1820; *Hillsborough Recorder*, May 17, 1820; State v. Sparrow, 3 *Murphey's Rep.* (7 N. C.) 487 (an interesting case).

Harriott's survey; but I fear it is not now in existence; this however is not yet ascertained to a certainty. The account of their voyage was not published by Mr. Harriott but by Capt. Lane, and from it nothing can be got to answer our purpose.

They are here making a harbour on the same principles on which you would have to make yours at Roanoke. I have got a map of it. Roads are certainly a most important branch of your business, and I will endeavour to procure some useful information on that subject.

I think I shall be with you before snow, and shall not fail to pay my respects to Mrs. Murphey, to whom I beg to be particularly remembered in the mean time. I hope her health goes on improving.

I am, with great regard,

Your sincere friend

London P BROWNE

Ap. 27, 1820

[Address: Haw-River Post-Office]

To Thomas Ruffin. RUFFIN MSS.

Mr. Ruffin.

I write this merely to say, that in the Cases which stand Against me on the Docket, (all of them) I wish you to withdraw the Pleas and let Judgments be entered, without puting them to the Jury. I believe there are three—Michl. Holts—Col. Farrar (where I am sued with Mr. Ashe etc.) and Willis ——— (Brother of the Sheriff of Wake, who has sued me on one of A. Haralson's Bonds). I forgot to mention this in my Note by Mr. Prather this Morning.

Yours. truly.

22d. May 1820: A. D. MURPHEY.

[Address: Hillsboro'.]

From Captain Herndon Haralson. RUFFIN MSS.

[TENNESSEE.] June 14th 1820.

Dear Sir

I wrote you on my landing at J G Murpheys,[1] and in that letter I detailed to you some of the dificulties which I met with on my way out. Since then I have been down to the Chickasaw Country. * * *

I am much pleased with the Country near the three forks of the southfork of Forked Deer. As soon as I can go down I mean to move, it will be about 190 or 200 Miles from this place. None of those lands are yet Granted above the Connection of surveys which I send you.[2] My Dependence will be to purchase of those who locate and draw it.[3] Saml. Dickins[4] has located 2 or 300,000 Acres near the three forks for Col. Polk, Doct Hunt[5] of Granville and himself; I took some pains to see him, but when I went to hunt him he was on the Hatchey River locating. There is more than 100 Surveyors in this Country locating. They follow the Surveyors who are Sectioning. Indeed every Sectioning Surveyor has two or three Locators.

I have not made a Cent of Money but borrowed and expended some. I cannot even sell a Negro, money is so Scarce. We

[1]Judge Murphey's brother John Greene Murphey removed to Tennessee in 1816 or 1817.

[2]The letter encloses a plat of lands on the Big Hatchie River granted to John Rice and others before the Cession Act of 1789. See *post*, p. 176n.

[3]In the fall of 1819 the Tennessee legislature made provision for satisfying North Carolina land claims out of the Chickasaw country, pursuant to the authority conferred by Congress in the preceding year. Surveyors were appointed to lay off the territory in sections, townships, and ranges. Persons claiming particular lands by North Carolina grants or warrants actually located were to have such lands; persons who had settled in the territory prior to Sept. 1, 1819, and who held or should procure warrants, were to have 160 acres where they settled; and all other warrant-holders were to select lands not so appropriated, in the order in which the numbers of their warrants should be drawn in a lottery at Nashville on the first Wednesday in November, 1820. It was provided, however, that only such North Carolina warrants as had been or might be declared valid by Tennessee commissioners would be recognized. The privilege given by this act to settlers was manifestly unfair to North Carolina claimants, and it produced much fraud and litigation. The right of Tennessee to pass upon the validity of warrants issued by North Carolina was denied. See Laws of Tennessee, 1819, ch. 1; *ibid.*, 1820, ch. 27; John H. Eaton to Wm. Polk, Dec. 26, 1819, Wm. Polk MSS., Library of Congress.

[4]See *ante*, p. 88.

[5]See *post*, p. 176.

hear times are desperate in N. C. and but few Charactors will escape the shock. By a letter which I lately recd from Chatham I am told that Colo. Farrar's situation was desperate.

Polly I expect will write Mrs. Murphey. Present her my love and most affectionate regard and believe me Dear Sir to be your affectionate friend H HARALSON

* * * * * * * * * * * * *

[Address: Orange County.]

To Thomas Ruffin. RUFFIN MSS.

RALEIGH. 14th. July 1820.

Dear Ruffin.

Mr. Littlejohn is here and if you come on Sunday, his Case will be taken up on Monday.

I have had a conversation with the Governor. He rather approves of my Design, and I believe, if I resign, he will appoint Mr. Norwood. I have written to Mr. Norwood by Mr. McRae and beged him to answer me by you, and let me know Whether I may be at liberty to treat this Subject with the Governor as I may think proper. I feel pretty confident, I can prevail on him to nominate Mr. Norwood.

Willson[1] and A. Henderson advise me to take the Western Circuit. What is your Opinion? I wish you to have a Conversation with Mr. Kirkland on the Subject of my Resignation.

Your Stock Note[2] fell due on Wednesday last. Mr. McNeil writes to me that he has no blank. When you come here, I will get you to send One. Come on Sunday, and bring 3 Letters which I see advertised in the Post Office at Hillsboro' for me.

Yours. Affecty.

Thos. Ruffin esqr A. D. MURPHEY.

[Address: Hillsborough.]

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[1]Joseph Wilson, solicitor (prosecuting attorney) of the Western, or Mountain Circuit.

[2]A note for $5250 in the branch of the U. S. Bank at Fayetteville, secured by a pledge of stock of the bank. Ruffin borrowed this money for Murphey. McNeill attended to renewals of the note.

From Judge Frederick Nash. M. MSS.

HILLSBORO the 15th. of July [1820.]

Dear Sir

Your letter was handed me this afternoon while Mr. Ruffin was in the Office. I signed and handed them to him. He will deliver them to you.

You intimate an intention of resigning your present Office and ask me what I think of it. I will tell you candidly what I think of it. Those who have held the Office have contributed much towards degrading it, by shewing they held it only as a convenience.[1] I should therefore much regret your so early resignation, fearing it might have a similar appearance and an increased effect. But I have another and much more important objection to your resignation—the Public have in your decisions full and implicit confidence—your friends have hoped when you left the Bench of the circuit courts it would be to ascend that of the Supreme Court—and if you have any views of that kind are you not injuring them. Will not the Public have a right to complain. Weigh these matters well in your own mind—before you decide. I need not say this is entirely between ourselves.

Edenton.....Mangum
Newbern.....Murphey
Wilmington..Donnel
Wake.....Daniel
Hillsboro....Paxton
Mountain....Nash

Had you not better write to Mr. Donnell and Mr. Daniel before you publish.

Yours truly and sincerely

F NASH

[Address: Raleigh]

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[1]Resignations had lately been very frequent. This was attributed to inadequate salaries.—*Raleigh Register*, March 6, 1818; Raleigh *Star*, July 16, 1819; Gov. Branch's messages, Nov. 17, 1819, Nov. 22, 1820.

To Governor Branch.[1]

His Excellency John Branch Esquire Governor of the State of North Carolina

Sir

I desire you to receive this as my resignation of the office of Judge of the Superior Courts of Law and Courts of Equity in and for the State of North Carolina. I offer to the General Assembly which conferred on me this appointment my grateful acknowledgements, and tender to you the respectful consideration of Dear Sir Your obt. Servant

A D MURPHEY[2]

22nd July. 1820

To Thomas Ruffin. RUFFIN MSS.

HAW-RIVER. 4th. Augt. 1820.

Dear Ruffin.

* * * * * * * * * * * * *

I am preparing my business as well as I can for my Circuit. I shall go to Rowan on the third Week of this Month and continue out till the end of September, return home from Burke and go up to Salisbury, thence to Rutherford, Lincoln etc.

I wish You to indorse and get Mr. Kirkland to indorse the enclosed Notes and then enclose them to Mr. McNeil. They will be wanted before We meet at the Federal Court.

There are some Letters for me in the Post-Office at Hillsboro', which I beg you to send me by Henry.

As to Mr. Bagge's Debt,[3] I will, if possible, get Mr. Hargrave to pay him some Money during the Month. I do not

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[1]Copy, in Gov. Branch's letter-book, p. 320. N. C. Historical Commission.

[2]In transmitting this resignation to the General Assembly with his message of Nov. 22, 1820, Gov. Branch referred to Murphey as "a gentleman as highly esteemed for his private virtues as for his able and disinterested devotion to the best interest of his country." "To supply the vacancy," he said, "I was advised by the Council to tender the temporary appointment to William Norwood, Esq. of Hillsboro, a lawyer of long standing, and doubtless known to many of you."

[3]Charles F. Bagge, of Salem.

know whether I understand your Letter as to your Bank Stock. Did you mean to say that You would endeavour to pay him for me by a Transfer of some of your State Bank Shares? You have already befriended me so much, that I feel ashamed to ask or accept any additional Favours. I feel your Goodness, and should God spare my life, I will reward it. Hereafter I devote myself to the Making of Money, till I get clear of difficulties. I will go to the Western Circuit for many Reasons. One to make Money: Another to be out of the Way of Talkers and Whisperers, who take a Pride and a Pleasure in seeing a Man in difficulty. None of them know any thing of my Affairs, and many seem to be angry because they can't find out any thing about them. I despise them too much to hold friendly Converse with them, and I intend to mix as little with them as possible. What Success I may meet with, I can't forsee. I am a perfect Adventurer in professional Life: But I shall labour to tread the Path of Uprightness and Rectitude, and to deserve good fortune. Should I not meet it, I trust I shall have Philosophy enough to submit to my Lot.

The Papers for the last Court, I will send down to you by some careful hand. This evening is too unlikely to send them by Henry. You will find Reporting an Amusement, when you have Leisure.[1] But I fear you will want Time for the last Court—Your Circuit being so near at hand. I did intend to make out a few Cases for you, but I see clearly, I have more to do, than I can get done before my Circuit commences. I can't give you any instructions on this Subject. Your own good Sense will be your best Instructor. My plan has been, first to read all the Papers in a Case and try to understand distinctly the Points arising in it—then to state the facts in the most perspicous Manner I could, to bring the Points in View. The Operation is tedious, as it requires so much examination to

[1]When he left the Superior Court bench Murphey resigned his office of reporter of the Supreme Court, to which he had been appointed by the court upon its organization in January, 1819. Ruffin succeeded him. In 1820 and 1821 Murphey's reports of the decisions of 1819 were published in four parts. Ruffin resigned after preparing reports of the decisions at June term 1820, which were published in separate form in the following year and afterward incorporated in the first volume of Hawks's Reports (8 N. C.). See *Raleigh Register*, July 28, 1820.

avoid incorrectness. It has, however, always been a pleasing Occupation to me. I wish you great Success in the Undertaking. The Character of the Court very much depends upon the Reporter. I told Judge Henderson, it *was essential* to the Character of the Court that he should write more Opinions—and I intend to write to him on the Subject.

I shall often write to You and let you know my Prospects—and I beg you often to write to me and write fully.

I enclose a Line to Norwood and another to Nash. I hope Norwood will get the Appointment. He will be a pleasant man to the Bar and acceptable to the People.

Yours. Affecy.

Thomas Ruffin esqr. A. D. MURPHEY.

[Address: Hillsborough.]

From Hiram Jennings.[1] M. MSS.

BEAN SHOALS 8th Augt. 1820.

Dear Sir

I am impeled by necessity, to send to you and solisut the favour of your Goodness, to aid me with, some money. My situation a present is raley humiliatung. I have received scarsley one singhl Dollar since I got the $700 from you at Salisbury, in Aprul. That has been exausted, long since, and I have been going upon Creded, as long as, that, would doe, and I am unable to obtain, even provision, to feed my hands. If I Donot Get some immediate relief I shall be compelled to stop bisiness. Should, I suspend bisiness, It would almost fix my fate, and would probibley retarde, the progress, of the work for several Years. I have, been Compelled, in executing of this work, to make an number of small Debts, and should I attempt to suspend bisiness, they would, all be forced up on me which would Certinly effect me Very Considerable. I think, if you would form some practicable schiem by which money Could be

[1] A contractor for the Yadkin Navigation Co.

raised and write to Genl. Pearson[1] that he would use every exertion to have it put in execution. In the mean time I hope it will be Convenient for you to send me a little money for my immediate releaf. I have Directed the barer Jno. Hardgrove, that in the event of your not being at Home, (and not more than one or two Days ride there from,) to Go untill he Could find you, and if he Could not se you, to Deliver this letter to the postmaster, and Direct him, to forward it to you at what ever place you might be. If Mr. Hardgrove, dont se you, I must request the favour of you to write to me immediately. Let me know what is the prospect for money. I am anxious to hear from you befor you set out on your Circuite. At present I am engaged in build of the Damm, and some other work at the head of the Canal, and am prepareing to turn in the water. With a small sum of money, I should be able to Compleat, that part of the work. Could it be Generally understood, that a part and that the most Diffical part, of the river above the narrows, would soon be fit for use, the Stock-Holders would certainly not let the work languish at this Stage.

I hope you will write to Genl. Pearson immediately and request him to make a stire amongst, the Stock-holders of his neighborhood. If I dont get some money in the course of a few Days, shall be Compelled to suspend oppirations.

Plese accept the assuriance of my esteem

HIRAM JENNINGS

The Hon. A. D. Murphey

[Address: Orange County.]

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[1]Gen. Jesse A. Pearson was one of the directors and organizers of the Yadkin Navigation Co.

From Dr. John McAden.[1] M. MSS.

CASWELL 11th. Aug. 1820

Dr Sir/

Your favor by Arch. Debow[2] of $70. was duly received And Credited on your Bond. To be sure money was Always acceptable but at this time more so, as I had borrowed from hand to hand 'till I did not know where to be relieved and I am now still behind and paying high Interest and the lenders dunning me, which is a sore evil to me. If money can be had, you will to be sure Accomodate me; you have been Vastly liberal to many of your Connections, for which much gratitude is due, but we often fail of that. I must send Henry[3] to the North if possible; and there is nothing wanting but money. I wish him to rank with the first, of the same Advantages. I have never been so fortunate as to meet with much liberality, only where I made the greatest exertions. My Debts are small and my income small so that I can scarcely meet the demands. The afflictive dispensations in your family call forth my greatest sympathy. Experience has taught me the lesson, and my profession presents to me daily the sufferings of humanity which require the greatest philosophy to bear.

I am sorry to hear that Mrs. Murphey's health is impaired by the changes of weather; by this I hope she is better. The weather is now fine. She is taught lessons of patience And resignation which will enable her to bear her Afflictions with christian fortitude. You have the Affection of my family. Accept my Respect.

JOHN MCADEN.

[Address: Orange]

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[1]John McAden (1765-1845), son of Rev. Hugh McAden, was a prominent physician of Caswell County, and a member of the House of Commons from 1801 to 1803. He married Elizabeth Murphey, sister of the Judge.—Murphey family Bible. See W. H. Foote, *Sketches of North Carolina* (New York, 1846), pp. 166-167.

[2]Archibald Murphey Debow, son of Murphey's cousin Solomon Debow. His father had moved to New Orleans.

[3]A son of Dr. McAden, afterward distinguished as a physician.

To Thomas Ruffin. RUFFIN MSS.

HAW-RIVER. 18th. Augt. 1820.

Dear Ruffin.

* * * * * * * * * * * * *

Since the Deed of trust that I gave, has been Registered, it has become as public as if it had been advertised in the Newspapers, and has affected me more seriously than you, perhaps, imagined. I can't now sell any thing. I am constantly tortured with the Question "whether this or that is in the Deed of trust." Michl. Holt had taken two small Negroes in Part Satisfaction of his Judgment. The Other day he brought them back, saying he had been *to the Records* and examined the Deed. I was about selling some Other Negroes at pretty liberal Prices on this Week: On Yesterday, the Man informed me he had found Out the Deed; and then said he would purchase if You and Mr. Kirkland and Dr. Webb would join in the Bill of Sale, but not give as much as he had Offered before. In this way I am completely tied, and the Raising of Money by the Sales of my Property is out of the Question, Unless I send it to You.

Of all the imprudent things of which I was ever guilty, the most imprudent was the giving of that Deed of trust, and having no Assurance that it should not be Registered, Unless I *gave Symptoms of* Dishonesty. It would have been much better for me for my Securities at Once to have Refused to sign my Paper, and put me to the Shift of selling my Property. Now the Cup of my Humiliation is full to the Brim. I feel its effects most Sensibly, Although few know it. After a Life of incessant Toil and, as I hoped, of honourable exertion, to be degraded in the World and pointed at even by the Common Vulgar, is a Condition, to say the least of it, not to be envied. I don't blame my Securities for giving Publicity to this Deed. They no doubt thought, a prudent Regard to their own Interest rendered it Necessary. But I feel mortified beyond Measure, to think, that those Men whom I looked upon as my particular Friends, have no Confidence in my Integrity. If they had, this Deed would never have been published to the World. Humiliating as my Condition is, I feel, I trust, a

due Sense of the Obligations I am under to relieve my Securities; and therefore shall labour without Ceasing to raise Money and pay my Debts. When this can be done, I shall bid Adieu to the State and strive in some new World to inspire a Confidence which somehow I have failed to inspire here. In the mean time I shall devote myself exclusively to my Profession and avoid Society as much as I can. I must devise some Plan of selling some of my Property, when I see You. I shall be at Orange County Court, and go thence, I believe to Granville Supr. Court. I have not yet heard who is appointed in my place. If it be Norwood, I will attend the Courts in the lower Part of this Circuit.

I shall set out in a few minutes for Salisbury.

Yours. Affectionately.

Thomas Ruffin esqr. A. D. MURPHEY.

[Address: Hillsboro'.]

To Thomas Ruffin. RUFFIN MSS.

HAW-RIVER. 30th. Sep. 1820.

Dear Ruffin/.

Since I parted with You at Pittsborough, I have been reflecting upon the Situation of my Affairs, and my Prospects of meeting the Demands Against me this Fall. To be harrassed by my Creditors is worse than Death to me, And I expect no indulgence from them. I must get out of the way of these Men, if I can. To sell, seems just now out of the Question; nor will I be able to sell to any Advantage, untill People think I am out of their Power: at all events, Untill they can no more hear of People dunning me. With infinitely better Prospects of making Money than I ever had, I candidly confess to You, that a Variety of Feelings torture me and in some degree disqualify me from doing Business. I know this fact can't have escaped your Observation. * * *

I will in the mean time collect all I can on the Circuit. I hope to do well. I wish all my Debts were in the Bank. I cordially hate the Approach of a Man I owe. In a little time

I can pay these all off. For God's Sake, enable me, if you can, to dispense with the Presence of Creditors. I feel confident that I could pursue my Calling with more Success.

You know my Heart, my Feelings, my every thing. And I beg you to act just as you may think best for us both. You are the only Friend to whom I can unbosom myself.

* * * * * * * * * * * * *

[Address: Raleigh.]

From Captain Herndon Haralson.[1]

MURFREESB[OR]O 24th Sept. 1820.

Dear Sir.

I send in Greene Lee[2] for the Articles I left at your Sister Nancys. I have been unfortunate with my Horses, having lost four since I left N. Caro. He therefore carrys with him but one Horse. I fear (unless his Uncle Alex.[3] and Herndon[4] can Assist him), he will find much dificulty in bringing them forward. Since I wrote you last I have been down to the Forked Deer River, selected a place to make a Crop, and built a House. Shall move down my Negroes before Xmas, but Polly, the Children and little Negroes I shall leave behind till next fall. I have engaged Corn for their support at half a dollar P Barrell and expect pork at 2 dollars p 100. Corn will cost me 5$ p Barrell for my work folks on the Forked Deer and pork there as yet cannot be had; Thousands of people will move there this fall and Winter. There is as yet no Counties marked out in the purchase, neither will there be till after next Session of Sept. 1821. While down there I see Doct Hunt; was two days in the company of himself and Mr. Dickins. They proposes to furnish me with Materials to make a correct Chart of the purchase; they having Surveyed the purchase with No. and So. paralel lines, One Mile equal distance. Should I make this Map, will send you a copy. Doct

[1]A. L. S. In the possession of Judge A. M. Aiken, of Danville, Va.
[2]Greene Lea Haralson, a son of Capt. Haralson.
[3]Alexander Murphey.
[4]Herndon Haralson, Jr., a son of the Captain.

Hunt continues here till after the lottery for preference of location, which will be in November. Mr. Dickins lies very sick, it is probable he has caught his Death by exposure this summer in surveying this new Country. The Doctor proposed a Compromise with me in our claims of Mumecan Hunt & Co.[1] and requested me to confer with you and your Brother and imediately let him know our Terms. * * *

The Doct told me he was agent for the Trustees of the University. I furnished him with the information I possessed and promised to meet him on the land last of next month.

I have been told you have resigned your Judgship and rides the Mountain Circuit with Judge Nash this fall. Greene Lee will call on you if not too inconvenient in his way in; by him or the Mail you'll please write me, for I have never recd. a line from you yet. My son Paul is still at Caswell Court House, perhaps he has been reading law with Bartlett Yancy. He cannot continue there long as he has no funds. If in your power to Assist him by reading your library or Otherwise, and by your Council I should esteem it an additional favour. If yourself or your friend should need any Assistance by agency or Otherwise in any business I can transact, I will take pleasure in doing it. I have tryed hard to procure a land Warrant, even ever so small but have no money to purchase.

A private Statement of the Chickasaw land claims perhaps may not be unacceptable to you. This I have recd from the most authentic source.

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[1]Memucan Hunt & Co., consisting of Memucan Hunt, who was treasurer of North Carolina, 1777-1787, and father of Dr. Thomas Hunt; John Rice, of Caswell County; Col. Thomas Polk, father of Col. William Polk; Jesse Benton, father of Thomas H. Benton; Major Pleasant Henderson, James Galloway, and Gen. Isaac Roberts obtained over 100,000 acres of land on the Mississippi by entries in John Armstrong's office. The grants were issued to Hunt, who died in 1807 and by his will directed his son to distribute the lands among the partners. Solomon and Stephen Debow (stepsons of John Rice), Alexander Murphey, and Haralson were entitled to 70% of Rice's share.—Ruffin MSS.; *post*, p. 219n.

In the Chickasaw purchase there is	6,000,000	Acres
Of the Old Granted lands[1] there is 947,000 but we estimate it at one Million	1,000,000	
	5,000,000	
It is ascertained by the records that there is 1,500,000 Acres of land warrants now to satisfy,	1,500,000	
remaining	3,500,000	
Of this 3,500,000 Acres there will be unfit for Cultivation and poor land[2]	1,500,000	
	2,000,000	

Thus it will appear that after all the Warrants are Satisfied, there will be a remainder of 2,000,000 Acres of good land. This will belong to the State and perhaps will be disposed of by a purchase from the State, some say at One dollar, Others at half a dollar.

Altho the above may be relied on yet the locators endeavour to impress on the minds of the people that there is not half land enough to satisfy the Warrants.

I beg you to write me in full. Your Brother J. G. M[urphey] and family is well. I recd. a letter from Archey[3] a few days ago, he was at Batonrouge on the Mississippi about 30 Miles above the Natchez with his family. He wrote me that he had some thought of settling himself in St. Francisville 40 Miles above where he was. It depended however on the answer he expected from Colo Benton[4] at St. Louis.

Yours truly and affectionately

H HARALSON

[Address:] Perhaps on the Mountain Circuit
North Carolina.

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[1]Lands granted before the Cession Act upon entries in John Armstrong's office. Military warrants were located in another district, east of the Tennessee River.

[2]By the terms of Cession Act the claims of North Carolina officers and soldiers were to be satisfied by lands fit for cultivation.

[3]Archibald Haralson.

[4]Thomas H. Benton.

From Isaac T. Avery.[1] M. MSS.

SWAN PONDS Decr. 1st. 1820

Dear Sir,

Your letter of the 16th. October addressed to Colo. Polk, was enclosed to me, by Duncan Campbell Esqr., Treasurer of the North Carolina Catawba Nav. Co. accompanying a general statement of the affairs of the Co. as exibited by the books at Charlotte. My absence in the State of Tennessee at the time of its arrival must be my apology for my apparent neglect. I also enclose you a copy of the books at Morganton. The first Board of Directors commenced simultaneously at the head of Navigation and at the So. Carolina line and the money collected from stockholders in Burke has been expended on the upper part of the River, and the additional sum of $500. has been expended, in anticipation of the collections, for which I am myself responsible to the State bank. Considerable funds. have been expended in the purchase of a boat, Flats, Axes, crowbars, and other implements, for carrying on the work. For the manner in which the money has been expended, as well as for the amt. of funds requisite to complete the improvement, I beg leave to refer you to the report[2] of Hamilton Fulton, Esqr. who has lately completed a partial survey of the River. The Directors, in expectation that the Engineer would survey, the River in the early part of last summer, came to a resolution to suspend the works, untill the River should be surveyed—as there was an acknowledged want of science, among the Managers—as to the mode of improvement that should be pursued. Owing to this cause the last summer, was lost to the company. A copy of the Books at Morganton will shew that there has been a want of punctuality among the stockholders; even those who were most zealous at the commencement, are

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[1]Isaac Thomas Avery (1785-1864), of Swan Ponds, the estate of his father, Waightstill Avery, on the Catawba, in Burke County, was in the House of Commons, 1809-1811, several times a member of the council of state, a member of the Board of Internal Improvements, 1821-1822, and for many years president of the Catawba Navigation Co. and cashier of the Morganton branch of the State Bank.—Ashe, ed., *Biog. Hist. N. C.*, VII. 7-8.

[2]Printed in the *Report of the Board of Public Improvements for 1820*, pp. 37-56.

unwilling to make further advances untill the delinquents have paid up. No attempt has as yet been made to enforce collections. The mode pointed out in the Charter, of selling the stock in Hallifax, or Petersberg, is at once inconvenient to the officers of the Company, and ruinous to the interests of the stockholder—and gentlemen of the bar who I have consulted say it is the only mode. I would beg leave to sudjest to the board, the propriety of petitioning the Legislature, for such an amendment of our Charter as would facilitate the collection of arrearages. A right to recover on an action of assumpsit might enable the Co. to prosecute the work with success—if they could avail themselves at the same time, of the instructions and assistance of the civil Engineer, in occasionally visiting, and directing the works—but unless some measure of this kind, should be adopted, I fear the company, never will complete the undertaking—but will be subjected to considerable loss: those who have made advances to aid the Co. more especially, must ultimately be losers. A real or pretended despondency, as to our success is manifested by a number of the stockholders; a favourable report from the Civil Engineer, but more especially some farther aid from the Legislature would infuse new life and energy into the undertaking.

I hope the enclosed statements will prove satisfactory to the board and am extremely sorry, they could not be forwarded in time for your report.

very respectfully your

Obedt. Servt.

ISAAC T. AVERY

[Address:] Archibald D. Murphey Esqr.,
Chairman of the Board
of Public Works
Raleigh
N. C.

M. MSS.

Report of the Treasurer of the Catawba Navigation Company.

(Accompanying letter of Avery to Murphey, Dec. 1, 1820.)

CHARLOTTE Octr. 23d. 1820

Sir,

In compliance with the requisitions of the enclosed letter, I send you for the purpose of transmission to the Board of Directors, or to A. D. Murphey, the following Statement of the Situation of the compy's affairs as exhibited by the Books in my Possession, viz.

The Amt. of Stock Subscribed.....	$27.600
" Amt. recd. from the 1st, 2d, and 3d instalments	3.431
" Amt. due and unpaid on Do. Do. Do. Do.	4.859
" Amt. expended (actually paid out)...	3.701.83

The 4th. Instalment is called in, but none recd.

A detailed account of the work done etc. etc. and whether the amt. Subscribed will, or will not be sufficient for the completion of the work is left for you to state.

Respectfully your's

DUNCAN CAMPBELL

Treasurer No. C. Catawba Nav. compy.

I. T. Avery Esqr.

Presdt. Catawba Nav. compy.

RUFFIN MSS.

To ————.[1]

* * Esquire.

Sir.

For fifteen Years past a friendly Intercourse has existed between myself and your Father. Little did I expect that the most unkind Act which was ever done to me, would be done by

[1]Copy by Murphey. Enclosed in a letter of Murphey of the same date to Ruffin (*post*, p. 183). It was written to a young lawyer who afterward rose to eminence in his profession.

his Son. Still less did I expect that this Act would be done by a Brother Lawyer, And lest of all, did I expect it would be done by him in his *Professional* Character. What then were my Surprise and my Indignation on Yesterday Evening, upon learning that you had ordered a Ca. Sa. to be issued Against me upon the Judgment of $195. which I confessed to Jâcob Hubbard & Co. at the last Orange County Court? You knew, I could pay this Debt at any time upon a few Hours Notice: You knew that there are a thousand Men in North Carolina, any one of whom would have paid it for me, before the Stigma of a Ca. Sa. should attach to my Reputation.[1] Yet, secretly, without apprising me or any one of my Friends of your shameful intention, You ordered the Clerk to issue a Ca. Sa. You have done this Act without the Colour of a Motive, save that of a Wish to degrade me; And Although you declare in your Letter to the Clerk that "it was a Painful Act to You," it is but too obvious that such Pain constitutes *your* Pleasure: And that your little Soul finds it's chief delight, in mean endeavours to pull down those who are above You. I have been no Stranger to the unfriendly Conversations which you have held about me for several Months past; but I despised them too much to notice them; nor would I now condescend to notice this last Act of Yours, but from a Sense of Duty to that Profession, of which you are an unworthy Member.

As between my Creditors and myself, I have Nothing to expect but an enforcement of their Rights: Rights which I never questioned nor sought to resist.[2] But as between myself and my Brethren of the Bar, I had a Right to expect, that at least the same Civilities and Curtesies would be accorded to me, which from the Origin of the Government have been accorded even to the Dregs of the Profession. Your Conduct has been such a Departure from the established Usages of the Profession, and is so directly aimed not only Against its Dignity, but its Social Harmony and Brotherly Love, that it would be Treason in me towards my Brethren, were I not to lay your Conduct before them, that they may know what is your true

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[1]Ruffin paid the debt six days after the date of this letter. Murphey was not imprisoned.

[2]See *ante*, p. 164.

Soul, and where to place You in their Esteem. They will not, I presume, permit a Brother of your Age and Standing, to break down those Barriers which protect the Profession in its Prerogatives; nor to innovate upon those Customs which form the Basis of that Decorum and Gentlemanly Intercourse, for which the Bar of North Carolina has been always distinguished. I again say, if your Conduct were confined in its Operation, to Myself, I would disdain to Notice it: But every Member of the Profession is affected by it. It is an Invasion of their Rights, and as such, it shall be repelled as it deserves.

You say in your Letter to the Clerk, that you have Ordered this Ca. Sa. in Pursuance of the Instructions of your Client. If Jacob Hubbard has given you such Instructions, *You* are the Man, who put him up to it. But I shall not believe, till I have it from Himself, that he gave you such Instructions. Jacob Hubbard has often partaken of the Hospitalities of my House. When poor and commencing Business, I with a few Others, for a long time backed his Paper and sustained his Credit at Bank. I never asked nor claimed a Favour of him on this Account. It was a Pleasure to me to serve him, as it has been to serve Others in his Situation. I never gave him Cause of Offence; And I cannot easily believe that he would direct me to be sent to Jail for a Paltry Debt. If he has, I pronounce You and Him "Par Nobile Fratrum," *Twin Brothers in Meaness.* But whether he gave such instructions or not, is immaterial in determining the Character of your Conduct. An Honourable Brother would have scorned to listen to them. If, Sir, You have descended from the high Walks of your Profession, to become the Caiterer to a Client's Meaness, and a Lick-Spittle to my Creditors, it is time for you to quit the Bar, and no longer hold Converse with the Gentlemen who adorn it. I shall lay your Conduct before those Gentlemen, And it will be for them to determine what place to assign You. I apprehend You will find, that in Attempting to degrade a Brother Lawyer, You have degraded Yourself; that Meaness will Receive neither Palliation nor Forgiveness, from those, to whom the high Regards of Society are Accorded, on Account of their honourable and gentlemanly Conduct. You may still prowl about Taverns, and talk of my Debts, and boast of having or-

dered a Ca. Sa. against me. You have long regaled your Appetite upon such Food. Pursue your humble employment; it will quickly lead you to the Contempt which Providence has decreed as the Reward of Meaness. The more active you be, the sooner you will obtain the Reward for which you are toiling. A. D. MURPHEY.

20th. Dec: 1820.

To Thomas Ruffin. RUFFIN MSS.

HAW-RIVER. 20th. Dec: 1820.

Dear Ruffin.

I enclose to you the Copy of a Letter which I have addressed to * *, and I beg you to shew it to Clancy[1] and Taylor[2] at Hillsborough, and to Forrest and Mark Henderson at Raleigh. These two last named Gentlemen practice with * * at Randolph and Orange. Shew it also to Mangum, Scott[3] and McCauley.[4] I wish everyone of the Bar, who attend any of * *'s Courts, to see it. I mean not to make a public Talk of it; but the Profession should know what he has done, and I hope they will have Pride and Virtue enough to treat him as he deserves.

You little know how this dirty Act has affected my Feelings. There is a certain Something about a Man's Character, which when invaded, wounds him to the Heart. A few unkind Acts would make me loathe my existence. They are so dissonant from my Nature: so much at War with those Feelings which I have been in the Habit of Cherishing, that I could not bear them. I can toil with Adversity: I can bear Affliction with Resignation; but I know not how to struggle with Unkindness. And here, permit me to say, with a Heart that was never ungrateful, I thank You and Mr. Kirkland for the Delicacy and Tenderness with which you have always treated me. I could not stand up against a severe, though friendly Admonition.

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[1]Thomas Clancy, sheriff of Orange.
[2]Major John Taylor.
[3]John Scott, of Hillsboro. See *post*, p. 350.
[4]William or John McCauley, of Orange.

I know my imprudencies: Yet I know your Heart so well, that I believe, had you been placed in my Situation, you would have done pretty much as I have done. Providence threw upon my Hands peculiar Burthens. I have borne them without Repining. They have served to discipline my Feelings and give a Tone to my Moral as well as Intellectual Character. I have spent my life amidst Toil and Anxiety, Affliction and Sorrow. In all Situations, I have cherished a benevolent Feeling towards the World; and in the most trying Times, I have always been able to lay my Head upon my Pillow without an Angry Feeling towards any Human Being. Meanly as * * has treated me, I have no malice towards him. Have I said enough to him? Have I said too much? He is so contemptible that I scarcely know how to write to him. If Mr. Kirkland knows anything of the Affair, shew him my Letter to * *. I shall write to Yancey, Settle,[1] Morehead[2] and McNairy.[3] I shall see Shepperd. If they be all willing still to countenance this little Puppy, they must do so: but I must believe, till facts prove the Contrary, that they will feel as Priestly Mangum[4] does.

I am aware of the effect which this Ca. Sa. is to have upon me. I shall be still more pushed. But I can make no Compromise with Meaness, and I had rather every debt I owe should press on me, than to pass by in Silence the conduct of * *. I wish with you, the next Year was past by. Yet with some Assistance I hope I can meet its Calls. At this Time I am in want of Assistance, but I expect You can't now aid me. * * * *

[Address: Hillsborough.]

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[1]Thomas Settle, a lawyer of Rockingham County and member of Congress.

[2]John M. Morehead, of Rockingham, recently a student in Murphey's law office.

[3]James McNairy, of Guilford County.

[4]A brother of Willie P. Mangum.

From Senator Montfort Stokes. M. MSS.

WASHINGTON Jany 2d. 1821.

My dear Sir

I should have written to you before this time, but did not know where a letter would find you. Although I have delayed my letter so long, yet it must at last be one of little interest, as there is nothing done or doing in Congress at this time, worth your attention; owing partly to the deaths which have lately taken place among the Members, and partly to the absence of others. There are a great many Members of Congress sick at this time, and some of them dangerous.

Yesterday being New Years day, the President and family were waited upon by most of the Members, foreign Ministers, Heads of Departments and Citizens. The crowd was great, but it had rather the appearance of a motley groupe accidentally collected together, than an assembly of genteel people. It passed off, however tolerably well. We jostled one another about for an hour, spilt the wine between the "cup and the lip," snatched a few bits of cakes as the waiters were working their passage through the crowd, bawled out lustily for our Carriages at the door, and departed without any material disaster. This was the first levee or public exhibition since my arrival, and if this account of it affords you the smallest gratification, I really envy your feelings, for it is more than the exhibition itself afforded to me. Still these public collections of people are necessary. I am far from condemning them. All men in high Stations must be exhibited in some way or other as a *Show*, and there cannot perhaps be a more cheap and harmless way than to shew the President of the United States as a New Year's Recreation.

We have several bills and reports of considerable consequence before Congress, but they will not be acted upon for some time. One is to afford relief to those purchasers of public lands who have bought at prices which they will never be able to pay. I am much at a loss to decide upon the proper course to be pursued. These purchasers acted under known laws and regulations:—They acted as the common saying is "with their eyes open," and cannot blame the government if they forfeit their

lands and the money paid at the time of purchase. Yet it is not common in our Country to exact forfeitures to the utmost extent, and to receive money without giving any Consideration whatever; and it is an indisputable fact that the public lands to the South and West, were laid off at exhorbitânt prices, far beyond their intrinsic value, and beyond what could have been anticipated by the Government. Relief ought and will be granted to the purchasers, but that the relief will be any thing more than a longer credit upon the balances due, I am unable to say.

A very important report has been made by the Committee on Military affairs, to reduce the army to 6,000 men: And to dismiss the two Major Generals and three of the Brigadiers. I can not say I am prepared to go this length, at this time, although the State of our Treasury does stand in need of additional means to meet the annual expences of the Government. The present condition of Europe is far from being a settled one, and our own relations with some of the European powers [*A portion of the letter containing about six lines has here been torn out.*]

[I cannot close this letter without congratulating you and all the friends of honest men, on the complete triumph of our good friend,][1] the Treasurer.[2] That he should be found correct and upright in all his dealings with the public as well as Individuals was what was anticipated by all who knew him:—But in the abundant kindness of his heart, that he should never once in 34 years [have] been guilty of a blameable indiscretion, is I believe an instance of probity and correctness unparaleled in the history of public officers. In these times of extreme difficulty and distress, in which some of our friends in North-Carolina have failed for considerable sums, it is cause of sincere rejoicing to the people of the State, as well as gratifying to the Treasurer, that their great accounting officer has

[1]These lines, which have been torn out of the original letter, are supplied by an extract from the letter published in the *Hillsborough Recorder*, January 31, 1821, under the heading, "Extract of a letter from a senator in Congress to his friend in Orange."

[2]In November, 1820, the General Assembly appointed a committee to investigate the accounts of Treasurer Haywood, his integrity having been assailed by a Halifax newspaper.

been found worthy of the unlimited confidence which has so long been reposed in him. I regret that the Legislature directed a prosecution of the Halifax printer. It will only make the wretch conspicuous. Col. Burton[1] tells me he is a poor creature without character or talents.

Make my Compliments acceptable to Mrs. Murphey, and to all my friends.

I am, Dear Sir, with great respect, your friend and huml.
Servant

Archibald D. Murphey Esqr. M. STOKES.

[Address: Raleigh]

To Colonel Charles D. Conner.[2]

HAW RIVER, 10th Jan. 1821.

Dear Colonel:

I enclose the letter of Gen. Graham to you, and one from me to Gen. Graham. Read it and forward it. I hope the Genl. will enter upon the subject with zeal, and will write a Volume on his. I have written several letters to other Gentlemen to prevail on them, if possible, to contribute information. Genl. Graham can contribute more than any other man now living.

God bless you, Dear Col.,

Yours Affectionat.,

A. D. MURPHEY.

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[1]Hutchins G. Burton of Halifax, then a member of Congress.

[2]From *State Records of North Carolina*, XIX. 993. Charles D. Conner represented Iredell County in the State Senate, 1817-1820, and was a member of the Board of Internal Improvements, 1819-1821, when he moved to Tennessee.—*Raleigh Register*, March 23, 1821.

General Joseph Graham to Colonel Charles D. Conner.[1]

(Enclosed in Murphey's letter to Conner of Jan. 10, 1821.)

VESUVIUS FURNACE, Nov. 27, 1820.

Dear Sir:

Not having the pleasure of seeing you after your return from Tennessee I wished to inform that during your absence an application had been made for a copy of the account of the battle at Ramsour's by a Gentleman, a friend to the editors of the Salisbury paper. I informed them it was in the hands of a Gentleman correcting and transcribing, when finished it might probably be convenient to let them have a copy; on this indirect Grant they announced in their paper shortly after that it would appear, etc., etc. As I have committed it to you and Judge Murphey do as you think best with it after corrected; if you could furnish the Salisbury editors with a copy it would gratify them and a number of others in their neighborhood; however, if not convenient I am not pledged for it. I have a great number of loose sheets in continuation, if properly connected and corrected, in my opinion would be interesting and voluminous, not a regular History of the war in this section of Country but rather a Supplement to the

[1]From *State Records of N. C.*, XIX. 989-991. A copy by Murphey of a part of this letter is erroneously printed as a letter to Murphey in *N. C. Univ. Mag.*, III. (1854) 441-443. *State Records of N. C.*, XIX. 968-970, and W. A. Graham, *General Joseph Graham and his Papers on North Carolina Revolutionary History* (Raleigh, 1904), pp. 193-195. Joseph Graham (1759-1836), a native of Pennsylvania, removed to Mecklenburg County, N. C., in 1768. He enlisted in May, 1778, in the 4th N. C. Continentals, and from the fall of that year until August, 1779, served in the campaign near Charleston, S. C. In June, 1780, he was appointed adjutant of the Mecklenburg militia regiment. In September he was ordered to take command of volunteers formed at Charlotte to resist the advance of Cornwallis, and in the brilliant defense of the town on the 26th he was severely wounded. Subsequently he raised a company of cavalry, and in February and March, 1781, fought at Cowan's Ford, Shallow Ford, Hart's Mill, Pyle's defeat, Hawkins's Farm, Clapp's Mill, and Whitsell's Mill. In October and November, 1781, as major of dragoons, he was engaged in several skirmishes on the Cape Fear. After the Revolution he was sheriff of Mecklenburg, a member of the state conventions which considered the Federal Constitution, and state senator from 1788 to 1792. In 1792 he removed to Lincoln County, where he engaged in the manufacture of iron at Vesuvius Furnace. In 1814 he commanded the brigade of North and South Carolina militia in the expedition against the Creek Indians.—Graham, *Gen. Joseph Graham and his Revolutionary Papers, passim.*

Histories of Marshall,[1] Ramsey[2] and Lee;[3] some things omitted by them entirely, others inaccurately described and others where well described incidents are omitted which are worthy of being preserved, especially where the men of what was then Mecklenburg and Rowan were concerned. I will give you a kind of Chronology according to my present view. From Ramsour's[4] in 3 days Genl. Rutherford marched after the battle against Colo. Bryant at the forks of Yadkin. Bryant heard of his coming on 30th June and crossed the Yadkin, marched rapidly and joined the British at Cheraw Hill. Rutherford pursued until below Abbot's Creek and returned to Salisbury from there; in a few days marched with the men designated for a time to join Genl. Gates. When in pursuit of Bryant at Salisbury he detached Colo. Wm. L. Davidson with 250 down west side of the Yadkin; at Colson's attacked the Tories superior in numbers and defeated them; Colo. Davidson and one other wounded. The British advance simultaneously on each side of the Catawba. Genl. Sumner invested with command of So. Ca.. Refugees and No. Carolina men. Movements preceding battles of Rocky Mount and Hanging Rock, which took place the 1st and 6 of August, being so well described by Lee, only incidents he omitted worth taking notice of: On 16th of August Gates' defeat; all the Historians describe it better perhaps than could be done again. After Gates' defeat Sumpter's, 18th August. Succeeding events about Charlotte. Camped at McCaspen's Creek. Genl. Sumner arrives. Davie's affair at Waxhaws well described by Lee. British arrive at McCaspen's Creek 24 Septr; Tarleton detached after Genl. Sumpter to Bigger's Ferry, who has notice, crosses the river and escapes. 26 September British advance, Tarleton joins 2 miles below Charlotte; rencounter in Charlotte and at the cross roads very imperfectly described, also form of British encampment and conduct while in Charlotte; on 3rd of October they sent a foraging party 450, infantry, 60 Cavalry, 40 Waggons, on

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[1]John Marshall's *Life of Washington.*

[2]David Ramsay's *History of the Revolution in South Carolina.*

[3]Henry Lee's *Memoirs of the War in the Southern Department of the U. S.* (Philadelphia, 1812).

[4]For Graham's account of the Battle of Ramsour's Mill, fought June 20, 1780, see vol. II. pp. 215-226.

the road to Beattie's ford, divide at McIntyre's farm, are attacked by Capt. Thompson, Geo. Graham, Robt. Robeson, Esqr., 14 in the whole whose names I have; killed a Capt. and 7 men, wounded 12; the party returned to Charlotte with less than 2 loads forage. 7th of October Ferguson's defeat; Doctor McClean and Capt. Saml. Caldwell who were there say it is not well represented in any of the histories, (I was then in Hospital), they propose giving a description, etc. The British hearing of Ferguson's disaster leave Charlotte 10th of October; incidents on their return march by way of Old Nation ford; arrive at Winsboro about 1st Novr. Camp at 6 mile Creek; arrival of Genl. Green and Morgan; Militia management until 17 Jan., '81. Tarleton defeated; British advance in pursuit of Morgan by way of Ramsours; 30th Jan'y Morgan passes Sherrill's ford; same day Green, Morgan, Davidson and Colo. Washington Counsel at Beattie's Ford; next day, 1st February, Battles at Cowen's and Beattie's Ford and at Torence's not well described. 3rd February the British advance attacks the Militia in Morgan's rear at night, near Trading Ford on the Yadkin; on 7th Febr. Graham's Troop of Cavalry killed and took 7 prisoners of the British, on their march between Shallow Ford and Salem. 10th Genl. Andr. Pickens of So. Carolina invested with all the forces collected in rear of British army marched by Guilford on to Stony Creek 10 miles from Hillsboro; detached 20 Graham's Cavalry, some Simmons Riflemen, 40 in the whole, marched in the night, at eight in the morning attacked a picquet at Hart's mill 1½ miles from Hillsboro, killed and took the whole 25, lost none though closely pursued by Tarleton's whole Corps, brought prisoners all safe in, 2 days after was joined by Lee's Legion; succeeding transactions of the affair of Piles at Holt's well described, but unaccountably, though Lee was present, he makes no mention of the affair at Clapp's Mill; 5 or 600 a side and was a pretty stiff business, the British had a Capt. and 16 killed, we had 9 out of my command, I had 2 killed—Ford (of Charlotte) and Johnson killed; Robt. Harris, Esqr., Saml. Martin and Jack Barnett wounded; John Stinson (nigh Charlotte) and Jo. Mitchell prisoners, 7 in the whole. I find I have neither

time nor room to finish this scrawl on the plan I set out, from what you have you may anticipate the ballance.

Some affairs I don't know particulars of, Fanning taking Hillsboro, carrying off Governor Burke, again fighting Genl. Butler at Lindlay's mill, afterwards the British and tories attacked Genl. Butler at Brown's Marsh; the details would be interesting—Campaign to Wilmington Fall 1781, Genl. Rutherford Commanded at Raft Swamp, defeated tories again at Belvidere near Wilmington, etc., etc. If we form a Trio I will be responsible and furnish the facts; if you and partner will furnish the arrangement and language, as Salamagundi observes, we will find enough to make a Book as clear as a whistle. Yours, etc., etc.,

J. GRAHAM.

I will thank you to preserve this scrawl until I see you; it might assist me in taking my scraps together as I have no notes of the general contents. I have sent by the present mail my resignation as a Militia Officer, you may have it published if you think proper. My son James goes on from Mecklenburg Court by way of Fayette to Raleigh, will arrive about a week after this. Yours, etc., etc.,

J. GRAHAM.

To General Joseph Graham.[1]

HAW RIVER, ORANGE COUNTY, January [10] 1821.

Dear General:—

Col. Connor delivered to me in Raleigh, your account of the battle at Ramsour's, which I have read with much interest, for it was the first time I had any correct idea of that affair. I have the account in my possession, and will shortly give it to the public. Your letter to Col. Connor I have copied and now enclose the original to his care.

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[1]From *North-Carolina University Magazine*, III. (1854) 443-444. Copied in *State Records of N. C.*, xix. 970-972. and Graham, *Gen. Joseph Graham and his Revolutionary Papers*, pp. 195-197.

Twelve months ago, I suggested to a few friends the propriety of making an effort to rescue from oblivion the incidents of the Revolutionary War, which occurred in this State. The leading events only are recorded. A detail of inferior events in character, is wanted not only to gratify curiosity, but to make out a portion of our history, which is likely to be soon lost. It is due to the men engaged in them. It is due to the character of the State, to have collected and embodied, all the events of the Revolutionary war, which occurred in this State and in the upper parts of South Carolina. I have mentioned the subject to Col. Polk, who very readily promised his aid; and he has contributed very liberally, and promised to contribute more upon his return from Tennessee. I had intended long since, to address you on the subject, but a succession of severe afflictions and the pressure of a variety of business, suspended my attention to the subject, until lately. I think with you, that the union of a few men will do much in a little time, towards collecting materials for a regular and minute detail of all such events as are worthy of being recorded. In all the events of life, great things depend so much upon a complication of small ones—that it is desirable to get a history of *everything* that in their bearing could any how contribute to the *principal events.* Anecdotes, likewise, connected with the thread of the narrative, are useful and amusing. They show the character of the times, and of the principal actors. After, therefore, drawing up your narrative, give in *notes*, all the anecdotes that you have stored up in your memory. Speak of the character of particular men, and give biographical notices of them; point out the motives which probably influenced them in taking sides. Describe the manner in which bodies of militia were from time to time hastily raised; their equipments, arms, etc.

We have no regular account of the *military police* of the State at that period. Describe the gradation of military authority; who commissioned the officers; who called them out upon emergency; by what authority were the militia called out; how long were they bound to serve; who supplied their arms and accoutrements, etc.? Give a regular account of the militia system at that period.

Give an account of Gen. Rutherford. What section of the State did his command embrace? What was his education, his pursuits in life, etc.? Say all you know of his expedition against the Cherokees.

I beg you to fill up in detail the outline contained in your letter, and add to it, as much more as you can.

The general tory war seems divisible into distinct periods, and distinct districts of country. Trace the origin of the tories; their first assemblages; their leaders and their opponents; get the history of the battle of King's Mountain, with the principal circumstances leading to, and following it; the history of Col. Cleaveland's operations against the tories; and of other distinguished whigs in the west; get the history of Col. Bryant's operations; his character, place of residence, and ultimate fate; and the principal anecdotes connected with his marauding adventures.

Add to your account of the battle of Ramsour's, such facts and anecdotes of the principal actors on each side, as you may be able to collect.

Collect all the information you can of Fanning's adventures, and of the tory war on the Cape Fear; also, of the retreat of Cornwallis, (which I believe is not mentioned in your memorandum.)

Write a detailed account of General Davie's transactions. I wish to know something of his family, his education, his entrance into the army, and his exploits as a soldier.

This letter is confined to *particulars*. Your memorandum is the outline of the general narrative. Write at length, and be not afraid of saying too much.

In addition to the events of the Revolutionary war, I beg you to write out a history of the *regulation* under Gov. Tryon. We have nearly lost all this part of our history; say, therefore, *everything* you can learn upon the subject.

That period of our civil history immediately following the close of the Revolutionary war is very interesting. Devote one chapter, at least, to that.

I shall be glad to keep up a correspondence with you, and I will from time to time submit to your perusal, such narratives as I may collect. I feel some zeal upon the subject, for a large

portion of our history now lives only in the recollection of a few survivors of the Revolution. We must soon embody it, or it will be entirely lost. Write to me at the Haw River post-office. My best respects to your son James.

Yours, very truly,

Gen. Jos. Graham. A. D. MURPHEY.

To Colonel Ransom Sutherland. M. MSS.

OXFORD. 8th. March 1821.

Dear Col.

I have been endeavouring for several Months past to collect information relative to the Revolutionary War in North Carolina, And also of the Regulation under Governor Tryon. A few Gentlemen who took an active Part in the War, and who are now growing old, have promised to contribute their Aid in collecting Materials for a Regular History of that Period in this State. I shall never have time to write such a History, but I feel anxious that before the Memory of events passes away, All the information respecting them which now remains should be collected and embodied, that some Man of competent Talents and who has leisure, may write the History of the State, and at all events do Justice to the Officers and soldiers of the Revolution. If your Age will permit, I beg you to contribute your Aid in furnishing Materials for such a Work, and to direct your Attention particularly to the following Subjects.

1. The Causes of Discontent under Governor Tryons Administration; The erection of the Palace at Newbern, the Taxes imposed to defray the expences of that Building, the effect of these Taxes upon the public Mind—Tryon's private and public Character, his Manners etc.—Anecdotes of him.

2. The Rise, Progress and Suppression of the Regulators—detailed Accounts of each, Names and Character of the Principal Actors on each Side; with Anecdotes illustrative of the Spirit and Character of those Times.

3. The State and Condition of the Courts of Justice under

Governor Tryon. Names of the Judges—the Style and Title of the several Courts—Times and places of holding the Superior Courts—their Character, Whether suspected of Corruption or Partiality—the principal Lawyers—their Names, places of Abode, Character etc.

4. The State of the Province After the Regulation—the Departure of Governor Tryon—the Arrival of Governor Josiah Martin—the Disputes between him and the Assembly—the Causes and Objects of these Disputes—the Subject matter of them—the Leading Men in the Assembly—the Proroguing of the last Colonial Assembly in 1774—the Withdrawal of Governor Martin from the Province—Anecdotes of his Administration.

5. The State of the Province after his Withdrawal—How the public Affairs were administered—Courts of Justice etc. First Proposition for a Convention—the Meeting of this Convention in the Fall of 1774—its Proceedings—Principal Men in it—When the Idea of Independence was first conceived.

State of the Province till the Meeting of the Convention in Hillsborough in 1775—Proceedings of that Convention—principal Subjects acted upon—Views of the Leading Members—Meeting of the Continental Congress at Philadelphia—How Communications were made to this Province to elect Delegates—election of Delegates—Hooper, Hughes, Caswell—their Character—Anecdotes of them—Anecdotes of the Convention of 1775—What were the true Points in Dispute between this Province and the Mother Country? did the Idea of Allegiance to the Crown still influence the Conduct of the Convention, or was there any Idea then entertained of Independence—Historical Account of the leading Measures adopted by this Convention—their influence upon the public Mind.

5. State of the Province, and its History up to the Meeting of the Convention at Halifax in 1776—Formation of the Constitution—Other Proceedings of the Convention—Organization of the new Government—election of Governor—Judges—and Other Civil Officers.

6. Progress of the Revolution in the State—Raising of the Regiments on the Continental Line—Appointment of Officers—

March of the Regiments to join the Main Army under Genl. Washington—Consolidation of the Regiments.

Origin of the Tory War in this State—its Progress and History—its influence upon the general State of things in the State—Principal Leaders of the Tories and Whigs—Character—Adventures etc.

Spirit and Character of the Times—Anecdotes illustrative of them—State of Society and of Manners.

7. History of the Civil Administration of the Government from 1776 to the Treaty of Peace—the Governors—their Character—principal events in the Administration of each—Anecdotes etc.

8. State of Society and of Manners at the Close of the War—State and Condition of the Courts of Justice—Provision made for the Officers and Soldiers—Act of Oblivion—its effect—State and Condition of the Tories.

9. Reestablishment of Social Order and the Authority of the Law—Progress of Manners—the Courts of Justice—Appointment of Alfred Moore as Attorney General—effect of this Appointment upon Society—Rise of Genl. Davie at the Bar—Other eminent Lawyers—their Names, Places of Residence—Character. The Judges—their Names and Character—Anecdotes etc.

10. History and Character of the Legislation of the new Government. Acts of Confiscation—Entry Laws—Acts organising the Courts of Justice—Who were the Draftsmen of these Acts—leading Men in the Assemblies—their Character—influence, Prejudices etc.

11. History of the State Civil and Military to the Forming of the Federal Constitution. Appointment of Delegates to the Federal Convention—The Convention which met at Hillsborough to consider of the Federal Constitution—the true Causes of Opposition to the Adoption of the Constitution.

The Second Convention at Fayetteville—Adoption of the Federal Constitution.

12. Cession of Tenessee to the General Government—the History of this Cession—the Causes which led to it.

Any other Portion of the History of the State—Notices of leading Men etc.

Fill up as much of this Outline as your Age and Business will admit of, and forward your Communications to the Care of Judge Mangum.

Yours. with great Regard.

A. D. MURPHEY.

Col: Ransom Southerland

From General Joseph Graham. UNIV.[1]

March 9 1821

Dear Sir

In the Sheets forwarded herewith[2] it is ommitted in its proper place to state that when Genl. Sumpter was on the expedition to Rockey Mount Major Davie cut off a detachment of Bryants tories near the British lines etc. For the particulars I refer you to Lee's acct. and generally his statement of the hanging Rock but some incidents omitted. When the men under Sumpter and Davie united had made their disposition of attack their guides tho well acquainted with the ground was not with the position in which the Enemy was encamped and unfortunately led them on Bryants Tories instead of the British. Their attack was so impetuous they fled on the 2nd. fire and the ardour of Davies Cavalry was such they would not be restrained but pursued them. On the first alarm the British near ¼ mile distant detached a party of about 100 men to support them. They arrived on the eminence directly after the Tories had left it and commenced a fire by platoons in succession, overshot their opponents who by taking steady aim and in a half circle round the Eminence in shorte time caused ⅓rd. of them to fall; the rest retreated to the main body [and] was Briskly pursued by Sumpters men. When the British joined their comrades the action became general. In a few discharges they retreated taking their Artillery with them—for about 300

[1]Printed in part with corrections in the *N. C. Univ. Mag.*, III. (1854) 444-446, *State Records of N. C.*, xix. 972-974, and Graham, *Gen. Joseph Graham and his Revolutionary Papers*, pp. 239-241.

[2]A narrative of military operations from the Battle of Ramsour's Mill (June 20, 1780) to the Battle of Hanging Rock (Aug. 6, 1780), ets., printed in vol. II, pp. 212-215, 226-234.

Yards where they ralied tho some what scattered and out of order and the Action renewed—the whigs more scattered some intoxicated others plundering in British Camp, however a respectable number still forcing them and pressing them Closely they were still compelled gradually to give ground 200 Yards farther; at last formed a square etc. I refer you to Lee's Statement for the rest. When the firing became slack and the Enemy maintained his possition Genl. Sumpter had them withdrawn a small distance and formed as many stragglers collected as he could intending to renew the Action. He rode allong the line personally enquiring of each man the stock of ammunition; it was found they had not on an average 3 rounds pr. man, which was the true cause of his retreating. The great blunder committed in this action was in suffering Davies Cavalry to charge the Tories in their retreat at so early a period which neither Davie or Sumpter could prevent; it was not doubted after it was over if they had been kept in a compact body until the main body of the British were forced from their camp by the Galantry of the infantry and had turned their backs for 300 Yards a charge of 70 Cavalry would have made them surrender but at that period but few of the Cavalry had returned from pursuit of the Tories and they were yet unformed. The whole number lossd on each side was never ascertained. Of the militia from Mecklenburg Capt. David Reid a man equally distinguished for his patriotism and piety and Eight others were killed and Lieut. D. Flenigham Ensign McClure and Ensign Flenigham and 12 privates wounded. In no action was there more Acts of individual heroism displayed or more hairs breadth escapes: Colo. Robert Irwin who commanded the North Carolina militia had his cloths perforated with 4 seperate balls and Escaped unhurt; Lieut. Geo. Graham who Commanded Capt. Reeds Company after he was killed (early in the action) and many of the soldiers had their cloths cut in like manner. On the british retreat from the position after forced from their Camp on the right of their line [they] kept firing a 3 pounder. Capt. James Knox of Mecklenburg gave orders to his men to load their guns and when that piece fired The next time they would take it. On the discharge of the Gun they started in full run and before the artilerist could

load got within 40 steps and began to fire; the British retreated and Knox and party took the gun and turned her on their adversaries but unfortunately none of them knew how to manage or load her tho in their possession Several minutes. The enemy ralied and came on with fixed Bayonetts and retook The gun. From this time until after Gates and Sumpters defeat on the 16 and 18 of August I refer you to the details of Marshal; Ramsey, and Lee as being more accurate than I can give. My next will begin after Gates defeat. As soon as my other avocations will permit will forward you a few more sheets but fear if other opportunity dont offer the postage will be too high for an individual

I am Sir verry Respectfully your Most Obedient

J. GRAHAM

A D Murphey Esqr. Atto. etc.

In continuance of the Historical Notices etc. in 1776-1777 giving details of the Cherokee war expedition under Genl. Rutherford—campaign against the Schofolites usually called the Snow Camp[aig]n (in which Colo. Wm. Polk was wounded), and the campaign to Cross Creek again the Scotch about the time of the affair of Moores Creek Bridge, I would refer you to Colo. Polk and Geo. Graham who were out in those expeditions [and] can give a better account of them than any persons I know. I was then too young to be in Service.

J. GRAHAM[1]

From Colonel Ransom Sutherland.[2]

WAKEFIELDS 10th April, 1821.

Dear Sir:

I have been honoured with your address of the 8th ult., containing your request that I will contribute my aid in furnishing material for a History of the Revolutionary war in this State. I feel flattered that a man of your talents and standing

[1]Endorsement by General Graham: "The post master at Salisbury will be so obligging as to hand this with the papers sent with it to Judge Murphey when he is attending Salisbury Court."

[2]From *N. C. Univ. Mag.*, III. (1854) 322-324.

in life should take up an opinion that I was capable to furnish matter to form a regular History of anything.

I am now very old, and my mind much impaired by time, nor in the prime of life did I ever posess a talent adequate to collecting facts to reduce to History.

The several matters and things to which you allude are of long standing. Of course, I retain but a very imperfect recollection of them. I was here during the period that Gov. Tryon ruled this country—was well acquainted with him. He was thought to be imperious and positive in his administration—moved in great style when he travelled, attended by the Sheriffs of the counties through which he passed, and had a great influence over the Assembly, by which he obtained the vote to build a palace for him in Newbern, and to purchase a number of lots to set that and other buildings on; which cost the country an immense sum of money. A reference to the acts of those days in our statute book will show the amount. To raise the money, additional taxes were imposed on the people, which, with the extortions of the public officers set the regulators in motion, who were to be sure, a desperate lawless banditti, though I think they had just grounds of complaint, had they pursued a proper course for redress, in common with others, not for the taxes, for they were the same all over the province, but for the extortions of the clerk, register, and sheriffs of Orange County, who they charged with demanding and taking illegal fees for their services. Edmund Fanning, the Regulator was frequently indicted and found guilty upon those charges. The sheriffs as they thought, at the risk of their lives, for their conduct, refused to go among them to collect taxes, serve process, or any other business.

The Regulators had been guilty of some illegal acts of violence, for which some of them were apprehended and bound over to the Superior Court at Hillsborough, to answer for their conduct. The leading men of that class of people, to-wit: Herman Husbands, James Hunter, and a Capt. Merril directed them to assemble in Hillsborough, when the Court commenced, to rescue their friends from the penalties of the law, which they accordingly did in large numbers. They broke up the Court in which the late Judge Richard Henderson presided, a

man of universal good fame as a Judge; flogged several gentlemen of the Bar, Fanning very much, pulled down and destroyed his dwelling house, by far the best then in Hillsborough, committed other acts of violence and then dispersed with their friends untried, and thus the affair ended for the present. But as soon as the Governor was informed of their conduct, he ordered an immediate draft of the militia to march against and suppress them, if possible; one party of which he commanded in person from Hillsborough, the other party about Salisbury was under the command of General Waddell. They were to march and meet in the settlements of the Regulators and act as circumstances might require; but the Regulators imbodied and met the Governor with his party at Alamance, when and where a bloody conflict ensued; the Governor defeated and dispersed them with considerable slaughter. Husbands made his escape from the battle ground, and was pursued by horsemen through Virginia to Maryland, it was said, but he eluded the pursuit and reached the mountains in the upper part of Pennsylvania, where, if alive, he may reside to this day. He was said to be the principal mover of the Regulators, a man of strong natural mind, but artful and sly in his manners. Merril and some few others were taken on the battle ground. They were tried, condemned and executed at Hillsborough on a charge of high treason, I suppose. Hunter was acquitted, if I remember right; for though artful and sly in advising and directing them, he took care never to be with them when any overt act was to take place.

Thus, as my recollection serves me, ended the career of the Regulators; soon after which a piece appeared in the public prints, said to have been written by the late Governor Abner Nash,[1] loading Governor Tryon and those who acted with him, with bitter invictives for the part they had taken with the Regulators, which piece, if you could get it, would throw considerable light on the subject. In a short time after these events had passed, Tryon was appointed to the government of New York, and Josiah Martin succeeded him in the govern-

[1]Colonel Sutherland doubtless had in mind the famous letter of "Atticus," which is also attributed to Judge Maurice Moore. See *Colonial Records of N. C.*, VIII, 718.

ment here. By this time, the quarrel with the Provinces and England began to progress; our assembly was disposed to take an active part in it. To that end, they directed the people to elect five men from each county to form a Convention at Hillsborough, to deliberate on proper measures to be then adopted; at which proceedings, Martin took umbrage, and, I think, dissolved the assembly, which was the last assembly, perhaps, that we ever had under the British Government. He issued a proclamation strictly forbidding, under severe penalties, any combination or assemblage of the people to conspire and plot against the acts of the British Government. The Convention, notwithstanding, met at Hillsborough on the day appointed, composed of a body of men of the first talents in the Province; their names and proceedings are all recorded in the journals of that Convention to which, and the journals of the Convention at Halifax, in Dec. '76, which formed the Constitution, I refer you to collect historical facts, and they will show the state and temper of the community at those periods, better than any man now living can do; they are no doubt deposited among the archives of this State.

The Convention at Hillsborough had not the most distant idea of Independence. The people of Mecklenburg county were the first to broach that idea in this State, by a Committee selected for the purpose, the proceedings of which are still extant; but, I think the political writings of General Charles Lee and Tom Paine, impressed the idea generally on the minds of the people over the Continent, and influenced the Congress which made the declaration.

The war at this time began to rage with vigor in different parts of the Continent, and the deluded wretches that first called themselves Regulators, now, to a man, declared themselves Kings-men; frequently formed scouting parties and committed acts of outrage on the persons and property of those who had been active on the other side; with whom there were frequent skirmishes. At length they embodied in the town of Fayetteville with a number of the Highland Scotchmen, under the command of a General McDonald, and some officers sent from Boston by General Gage, to head the Tories in this country; they marched from thence to go to Wilmington to re-

ceive Governor Martin out of a sloop of war, that lay in the river, in which he had confined himself for some time, but General Caswell, with a body of militia, met them at the widow Moore's Creek bridge, gave them battle, defeated and dispersed them, at the expense of a number of their lives. Nearly or quite all Gage's officers fell there. A number of their leaders were taken and sent to the North to be imprisoned. Those of the old Regulators, now Tories, that got home, betook themselves to the woods, like outlaws, (I mean their leaders) and continued to commit depredations on the lives and properties of those who had been active against them. I myself was the first who fell a victim to their malice, as to property. In a few days after the battle of the bridge, a party assembled in the night at my residence then in the midst of them: set fire to my houses and burned them down; one of which was a well-finished dwelling house; another, a store-house with about $3000 worth of goods, upwards of $1000 in cash, and all my books and papers for upwards of seven years dealing. This stroke threw me into a state of complete bankruptcy. But, Col. Cleaveland, from the mountains, came down with a party of men, scoured the country and picked up several of the outlaws, and hung some of them to the trees in the woods; one of whom, a Capt. Jackson, as he called himself, was hung within a half mile of the place on which my houses stood, that he caused to be burnt. I do not recollect to have heard much more of those wretches after Cleaveland had done with them during the war; nor do I recollect to have heard what became of Gov. Martin after the battle of the Bridge, but I believe he left the province finally soon after that event.

You request me to repeat anecdotes. If any had occurred at the times you allude to, I remember none, except a little spar that happened in the time of the war with two of our great men here, might be thought one; of no consequence to be sure but to excite a smile:—The late Thomas Burke was Governor of this State at that time; he in person commanded a party of men against a body of the old tory Regulators who were often in arms before they were subdued. The parties met and had a skirmish, in which the Governor was taken a prisoner and retained as such for some time. In the interim, our Alexander

Martin, as Speaker of the Senate or otherwise, assumed the reins of government and took upon himself the style and title of Governor in the absence of Burke; Burke, at length by some means, was released from his captivity, returned home and applied to Martin, in Hillsboro' I believe, to resign the office. A waggish fellow, an officer in the army, was present when they met, who exclaimed: "What! two suns in the same hemisphere! that cannot be, one must become a moon." So Burke, the sun of power eclipsed Martin, who had to retire and shine only as a moon. This anecdote was related to me by a gentleman who was present and heard the remark. I therefore believe it to be a fact.

I had supposed that you and every man of equal information in the country had known the motives of the Convention that met at Hillsborough, to canvass and deliberate on the Federal Constitution, for rejecting it. Many were governed in their opposition by political motives, such as was urged against it in the Virginia Convention, by the late Patrick Henry, whose sentiments on the subject I expect you must have seen; contending that the Constitution vested too much power in the General Government, in the executive department particularly. Others had fears, if it was adopted, it would open our courts to British creditors to recover their debts, which would have been serious business to some of them. The late Willie Jones of Halifax, was a member of that Convention, who possessed great mental abilities, and like Henry, brought all his powers into action in opposition to the Constitution, and effected the rejection of it, and even after its adoption here, I believe, he never was reconciled to it to the day of his death. The following anecdote is an evidence of it: When General Washington, as President, made a tour through the southern States to patronize and reconcile the people to the federal constitution, he stopped a day or two at Halifax, and wished much to see and converse with Mr. Jones, a man he had heard much of, but Jones absented himself during his stay here, and refused to see or speak to the President, saying, he would gladly associate with him as General Washington, but as President of the United States, he would neither see nor speak to him. I was astonished when I heard of Mr. Jones' conduct towards that

great man, or that he could for a moment doubt the well-tried patriotism of Washington, and supposed that he would combine with others to form and establish a system of government to enslave his country. For my own part, I then thought, and still think it was a happy thing for us that the Constitution was adopted and put in operation; otherwise we should have been verging to a state of anarchy, when some popular demagogue might have started up and imposed a despotism of some sort on the nation. But much is due to the memory of that great man Washington, for the part he took in organizing the government. Had it not been for his agency in the business, it remains a doubt with me if ever it had gone into operation.

The Convention at Fayetteville, adopted the Constitution, and that is all I know of it.

I now proceed to name some of our leading men of those days. Richard Caswell was the first Governor under the new government, appointed by the Convention at Halifax, when they formed the Constitution. Ashe, Williams and Spencer were first appointed Judges of the Superior Courts; the two last continued in their office to their deaths, I believe. Ashe was taken from the bench to the office of Governor; at the end of his term he retired to private life and so died. The principal lawyers of the State at that time, were McClain, Hooper and Hay of Fayetteville and Wilmington, the late Abner Nash at Newbern, Johnson and Iredell at Edenton, Davie and Peter Brown at Halifax, Alfred Moore, L. Henderson and Wm. Norwood at Hillsborough, Archibald Henderson at Salisbury. Davie first began to figure in life while in the army; at the close of the war he betook himself to the bar where he also figured as a man of sound legal knowledge and great eloquence. He was appointed by President Adams as one of three on the embassy to France, to settle disputes then existing between that country and this. When they arrived at France, they found Bonaparte at the head of the French government, who received them very friendly, and with whom they soon adjusted and settled the disputes. It is said Bonaparte took an uncommon notice of Davie, more than of any other ambassador at his Court; and thought him a great man.

Well my friend, I have run I think to the end of my recol-

lection, and have jumbled together a train of incoherent matter that I doubt can avail you nothing in your design, but I can do no better. You must therefore take the voice for the deed.

To go into a minute investigation of the several subjects that you proposed to me, would require a person of first rate talents to engage in it, who would have to hunt up documents of long standing, such as the journals of the Conventions and Committees in the time of the war, resolutions and acts of the assembly up to the peace with England, and perhaps histories, all which would require much time. I can only say for the present, that I wish you success in your design, and remain with sincere respect.

Your ob't and humble servant,

R. SUTHERLAND.

From Thomas Ruffin. RUFFIN MSS.

HILLSBOROUGH. May 4th 1821

My Dear Sir.

I continued very sick and bed ridden at your house until Tuesday evening after you left me and should have been so stil, had it not been for the kindness and good nursing of Mrs. Murphey and the other members of your family. I was very much weakened by the attack, which turned out to be a bilious fever in the opinion of Dr. Umstead. Since I got home, I have mended a good deal; but have been taking medicine and am yet compelled to do so * *. I am so much reduced and enfeebled, that I should consider it wrong to attend Caswell Superior Court. I could do so, but I feel that I should be unable to attend properly to my business if I were there; and consequently consider that I ought not to run any risk, when no good purpose could be answered by it. I am not able to argue a cause of any difficulty or importance. I must therefore get the favor of you to take charge of my cases and leave my clients to the tender mercies of you and the brethren. I hope it will be in my power to return the like service to you and them—tho' I trust it will not be needed by any one of you from

the same cause that compels me now to ask your aid. What few papers I have, I forward to my father to be delivered to you on tomorrow. All the bonds are in the small bundle. * * *

I shall go to the Fed[era]l Co[urt]. Write me there, if any opportunity offer. Perhaps Monday or Tuesday, I may try to get to Granville C[ount]y Co[urt].

There is nothing new hereabouts.

Your friend

THOMAS RUFFIN.

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[Address: At Caswell Superior Court.]

To Thomas Ruffin. RUFFIN MSS.

HAW-RIVER. 19th. May 1821.

Dear Ruffin.

I thank you for your friendly Letter by William.[1] Your Letters always give me Comfort and encouragement, and you could not say or write any thing which I should not receive in the Spirit of affectionate Friendship. You are the only Person in the World that enters into my Feelings or with whom I communicate freely. I shall preserve as much Steadiness of Mind as possible. I have enough to contend with to run a Man crazy. Continued Domestic Affliction, Pecuniary Perplexities, And what is worse than all, The Uneasiness which my Friends suffer on my Account, create and keep alive Anxieties that torture me without Ceasing. I feel no Despondency, but I am conscious of the very unequal Operations of my Understanding, And on some Occasions I enter upon Business with Reluctance. I duly appreciate your Advice and will labour to follow it.

I am Relieved from one Anxiety by the Receipt of the Deed enclosed in your Letter: but Mr. Lesueur[2] informed me of a Resolution of the U. S. B[ank] at Fayetteville, which has

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[1]His son William Duffy Murphey.
[2]John L. Lesueur, manager of Lenox Castle.

created another Anxiety equally as painful. They have resolved not to renew my Notes Untill Mr. Willson's[1] Debt is paid, and also all the Costs which have been adjudged against the Bank in the Suits in the Federal Court, be refunded. I will never submit to a Resolution of this Sort; for its Principle may be applied to the most oppressive purposes. I wrote the enclosed Letter to Mr. McNeil immediately after the Arrival of Mr. Lesueur at my House. It contains my Views of the Subject and of the Course which I think I ought to take. It would give me infinite Satisfaction to aid in driving this Institution from the State. How far would such a Measure meet the Wishes of the Local Banks?[2]

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[Address: Raleigh.]

From General Joseph Graham. UNIV.[3]

VESUVIUS FURNACE 14 July 1821

Dear Sir

About the time of the last Superior Court in Salisbury I wrote to you and at the same time forwarded several sheets in a separate packet continuing the narrative of transactions in the Revolutionary war from the time of the battle of Ramsours (20th of June 1780) until Gates's defeat 16 of August which I am in hopes you have received tho I have never reed. a line from you acknowledging the receipt of said letter and packet I availed myself of sending to Salisbury with a view to save postage. The Hillsborough Recorder has been regularly sent me tho I never subscribed for it. I have understood an account of the battle of Ramsours was published in it. It must have been before the Editors sent me the paper as I have never seen it. I will thank you to direct the Editors to send me one of those papers that contains it as they ussually have some spare

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[1]Joseph Wilson, for whom Murphey was indorser.

[2]*Cf. post*, p. 216.

[3]Printed with emendations and omissions in the *N. C. Univ. Mag.*, III. (1854) 446-447; *State Records of N. C.*, XIX. 974-975; Graham, *Gen. Joseph Graham and his Revolutionary Papers*, pp. 197-198.

ones on file. I am the only person in this section of Country that received that paper. Enclosed I send $3 which you will be so oblidging as to transmit to the Editor and procure his Receipt for one years subscription. I have continued my narrative from the Battle of hanging Rock 6 of August 1780 to the Battle of Guilford 15th. March 1781. Contains 20 sheet[1] (ommitting the battles well described by others)—chiefly relative to the militia in this section of the State. Perhaps goes too much in detail—tho on reading it to some who were then in service they thought otherwise and sugested several things ommitted they wished to be noticed.

If I had time to make another draft would improve it but my avocation will not admit. The facts stated may be relied on as I before stated it is the first draft interlined and blotched tho I think you can understand it distinctly.

Shortly after the battle of Guilford North carolina ceased to be the seat of war except in the South East towards Fayetteville and Wilmington where Major Craig commanded the British and The Tories ruled as high as drowning Creek. An acct. of the expedition against them by General Butler and the Battle at brown March you can obtain from some of your Neighbours —Fannings Excursions etc. etc.

After Governor Burke was captured about the middle of Septr 1781 an Expedition was fitted out from the west under General Rutherford. A sheet or two will contain all I have to communicate from march until September. From that period until the British evacuated Wilmington I can give the whole details as it was the last Campaign I served in that war. My object is to state nothing but what I have a personal knowledge of.

I will endeavor to have the whole finished again the next Superior court in Salisbury and if can arrange my affairs be there myself; if not will send it tho I am aware at such time you are so engaged in your proffessional Business there would be but small opportunity of conference. If convenient for you to write me in the mean time I will thank you for information what success you have colecting from other Quarters—again

[1]Printed in vol. II. pp. 234-295.

when can the material be colected and embodied etc. and to what extent, whether a general History of No. Carolina or only a Supplement to the History of the revolutionary War within the State. Agreeably to the general plan any communications within my power I will furnish with Cheerfulness—tho you may think rather slowly.

Before I was old enough to enter service there was three campaigns by the Militia in the west Viz.

1st. Against the Cherokee indians under command of General Rutherford in the fall of the Year 1776.

2nd. Against the Tories or Schofolites in the winter of either 1776 or beginning of 1777 under command of Colo. Alexr. Martin the first (his regiment of N. C. regulars) just raised and a body of Militia with them usually called the snow campaign on account of a heavy snow fell while they were out.[1]

3rd. A large body of Militia marched to Fayetteville about the time or just after the battle of Moores Creek bridge with General Caswell I believe in 1777.[2] Enough living who were in these several Expeditions but dont know if an inteligent account in writing can be obtained in all. Colo. Polk served in the 2nd. and was wounded, General Geo. Graham in the first and third. If they would undertake could give as correct information as any I can think of. I am Sir

Very Respectfully

Your Most Obedient

J. GRAHAM.

Archbd. D. Murphey Esqr. Atto. etc.

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[1]In a note written in the margin against this paragraph and with a hand pointing to "2nd.", General Graham adds:—"This expedition was made in the month of Dec. 1775. Lt. Col. Martin had two companies of regulars one from the first regt. under Capt. George Davidson and the other under John Armstrong of the 2nd. Regt. Exclusive of these there were about 200 men from Rowan Co. under Col. Rutherford, 300 from Mecklenburg under Col. Polk and 100 from Tryon under Col. Jno. Neel. This body joined Genl. Richardson of So. Carolina and Col. Thomson of the 3d. So. Carolina Regt. at Saluda River about the 16 or 17. of Dec. when the Tories broke up the seige of 96 and retired to Peedee River at which place on the 22d. they were surprised and 400 taken prisoners. They were commanded by Paris, Cunningham and Fletcher."

[2]1776.

To General Joseph Graham.[1]

HAW RIVER, July 20th, 1821.

Dear General:—

On yesterday I received your letter of the 14th inst. I must beg your pardon for not acknowledging the receipt of the packet directed to me at Salisbury. A continued series of affliction in my family, added to a great pressure of business, had withdrawn my mind until lately from the subject of your communications. They now engage my attention almost exclusively, and will continue to do so, for eight or ten days. I entreat you to continue your narrative, and give to it all the detail your memory will enable you to give; and notwithstanding you have filled twenty sheets, fill twenty more. I am in correspondence with several gentlemen on these subjects, as well as other parts of the history of North Carolina; but from none have I received communications so circumstantial, connected, and interesting as from you. I wish you to progress through the Revolutionary war, and I will submit to you *heads* for a further narrative, embracing the prominent points of our history since 1783.

Your letter to Col. Connor, first suggested to me the plan of a work, which I will execute if I live. It is a work on the history, soil, climate, legislation, civil institutions, literature, etc., of this State. Soon after reading your letter, I turned my attention to the subject, in the few hours which I could snatch from business, and I was surprised to find what abundant materials, could, with care and diligence, be collected; materials which, if well disposed, would furnish matter for one of the most interesting works that has been published in this country. We want such a work. We neither know ourselves, nor are we known to others. Such a work well executed, would add very much to our standing in the union, and make our State respectable in our own eyes. Amidst the cares and anxieties which surround me, I cannot cherish a hope, that I could do more than merely guide the labours of some man who would take up the work after me, and prosecute it to perfection. I love North

[1]From the *N. C. Univ. Mag.*, III. (1854) 447-448. Copied in *State Records of N. C.*, XIX. 975-978. and Graham, *Gen. Joseph Graham and his Revolutionary Papers*. pp. 198-201.

Carolina, and love her the more, because so much injustice has been done to her. We want pride. We want independence. We want magnanimity. Knowing nothing of ourselves, we have nothing in our history to which we can turn with feelings of conscious pride. We know nothing of our State, and care nothing about it.

It adds to one's mortification on this subject, that the printers of this State are so little minded, that one will not copy from another any article of public interest, which is *communicated.* If papers were sent for publication to New York, they would be published from the New York papers in all the papers of this State; yet, if sent to Raleigh, Hillsboro', Salisbury, etc., they will be found in only that paper to which they are sent. The editors at Fayetteville form an honorable exception. They search out and give place to *everything* they can find respecting North Carolina—a man cant write for every paper, and no one paper has a general circulation—much more would be written, if all the papers would give it publicity, because more information would be thereby distributed through the community. We want some *great stimulus* to put us *all* in motion, and induce us to waive little jealousies and combine in one general march to our great purpose.

The events of the years 1780 and 1781, will fill a large octavo volume, and I will exert myself to complete it during the ensuing winter. You have entered upon the subject with more zeal than any other man, and I beg a continuance of your labors. Extracts from the work, as first written, without corrections, will be published in the *Recorder.* I directed this paper to be sent to you, and I am sorry the account of the battle at Ramsour's has not reached you. I will get a paper and send it to you. Have you received the papers containing the remarks "on the history of North Carolina?" This was the first published, in January last. Have you received the account "of the first Revolutionary movements?" The printer made a mistake and said, "*in the United States,*" instead of "in this State." This was in March.

I will publish another paper shortly. * * * It would give me[1] great pleasure to see you, and I hope you will come to

[1]Printed *him.*

Salisbury. In the meantime prevail on your brother to lend his aid to the work, and draw up an account of the expeditions, in which he took a part, and from which you were absent. I hope providence will spare your life "till something can be done for the honor and glory of North Carolina."

Yours truly,

A. D. MURPHEY.

Gen. Jos. Graham.

Request your brother to give a minute detail of Rutherford's campaign against the Cherokees, in 1776. The number of troops? The place of rendezvous; the causes of the war with the Cherokees; the march of Rutherford; the preparations of the Cherokees; their chiefs' names, and characters; their place of abode; operations of the army; force of the Cherokees; route of the army over the mountains; Cherokee towns taken and burnt; anecdotes of the campaign; the treaty; the commissioners, both on the part of the Indians and the whites for making the treaty; miscellaneous particulars; return of the troops; their being disbanded; where and when; how paid, and how much, etc.; also, similar account of the campaign under Caswell in 1776-'77; request him to go into every detail.

A. D. M.

To Colonel William Polk. M. MSS.

HAW-RIVER. 24th July. 1821.

Dear Col:

I requested Mr. Heart the Editor of the Hillsboro' Recorder to send You his Paper, Commencing with the latter Part of January. During the Months of January and February I opened a Correspondence with several Gentlemen on the Subject of the Revolutionary War and other Periods of our History. From some I have Received extensive Communications, Particularly from Genl. Joseph Graham, and I have been much gratified at the Willingness evinced by all to contribute to the Work of forming a Regular History of the State. There is no man living, who can contribute so much interesting Matter as Yourself for such a Work, and if your Health and Business will per-

mit, I entreat You to devote this Summer to the Writing out of a Regular Account of Events since the Year 1774. I addressed a Letter to Col. Sutherland, and requested his Aid, and furnished him with a *Memoranda of Heads* from 1768. He filled a few Sheets and said his Memory has failed him too much to undertake to fill up my Memorandum. I regret that I did not keep a Copy of my Letter to him, as I drew it up with some Care. I enclose a Letter to the Col, in which I request him to send to You a Copy of the Heads of Particulars mentioned in my first Letter to him: and as I wish you to engage in this business as soon as you can, I will pay the expence of a Messenger to Col. Sutherland, if you will send one. To the Particulars which you will find mentioned in my Letter to Col. Sutherland, I beg your Attention, and that You will couple them with Other events not named, and arrange the facts in their proper Order and assign to them their proper dates. I will add several distinct Heads in due time. One will be "the Provision made by the Assembly from time to Time for the Officers and Soldiers." I wish to get a regular Historical Account of what was done by the Assembly upon this Subject, and the Names of those Members, who took the Lead in devising Ways and Means for maintaining the Army and providing an adequate Compensation for the Officers and Soldiers.

2d. I wish to get the History of the Certificate Debt from its Commencement, including the modes devised from time to time for reducing this Debt.

3. A Similar History of the Paper Money Debt.

4. A History of our University.

5. A Collection of Anecdotes illustrating the State of Manners, Modes of Living etc. of successive Periods.

6. A connected Account of the War with the Tories, from 1776, to the Treaty of Peace: The first Assemblage of the Tories: the Scottish Camp: The Object of such Assemblage: Preparations to disperse the Tories: March of the Troops under Majr. Lillington and Gov: Caswell: Battle of Moore's Bridge—Tory Officers—Consequences of this Battle—I want a minute Account of this Campaign from its Commencement to its Close, with all the Anecdotes attending it that can be collected.

The expedition under Col. Alex. Martin Against the Schofo-

lites in the Winter of 1776 or early in 1777. This was called the Snow Campaign and I understand you served in it.

Bryant's Operations in the Forks of the Yadkin—Measures taken to suppress the Tories headed by him.

Col. Cleveland's Operations—his Biography—Character, Mode of conducting the War against the Tories—Summary Trials of the Disaffected in his Court—And a Collection of Anecdotes to shew the Character of the Civil War upon the Frontiers.

Fanning's Operations—(I am likely to get a Detail of his Rise, Progress, Operations etc. from some of his Followers; but not of the Operations of the Whigs Against him. Can you give me a true Acct. of the Battle at Bettis's Bridge, where Col. Wade was defeated? his *Force,* for what Object collected, his injudicious Arrangement and Conduct on the day of Battle etc. A Minute Detail of our Partizan Warfare, every thing about it that you recollect, is very desirable—including an Acct. of the Mode of collecting the Militia upon sudden emergencies, their Clothing, Arms and equipments.

You furnished me with a Memorandum of the Regiments of Regulars raised in this State. If you can with Convenience, I wish you would write *the History of the Regiments of North Carolina* raised during the Revolutionary War—beginning with the Resolve of the Provincial Congress and ending with the disbanding of the Army after Peace. This History to include the Raising of the first Regiments, their Officers, where stationed and how disposed of: in what Service from time to time engaged—Additional Regiments—March of the Regiments to the North—the Battles there in which they were engaged—their Officers—and their Conduct—What Portion of Regular Troops remained here—Where placed, what Service engaged in.

Reduction of the Regiments, When and Where—The Reasons of this Reduction, its policy and How Received by the Officers—How effected—Regiments raised for the Southern Service: their Number—Officers—in what Battles and other Service engaged.

I wish also to get a Regular History of the Militia Service during the War—Modes of drafting Militia—Periods of Service—Officers—Where employed, how they behaved—and eventually *how paid.*

7. Can you give me a true Account of Rutherford's Campaign against the Cherokees in 1776: the Causes of this War, the Force employed by Rutherford, the Officers—The March—Route—Operations of the Army—Destruction of the Indian Towns—Treaty with the Indians, Where made and by whom—Leading Cherokee Chiefs.

8. Can you give me any information relative to the Ancient possessions of the Indian Tribes? What Tribes possessed this State, and what were their respective Limits? Upon this Subject I can't get any information.

I have been surprised at the Fund of Materials which could, with Industry, be collected, for a History of this State. I had no Idea of them, Untill I turned my Attention to them. Could I get out of Debt, I would devote much of My Time to this Subject. Interesting Matter could be collected for five or six Volumes. But in the Midst of the most painful Anxieties, my Mind is unfitted for such a Work, nor Can I get Time to attend to it, whilst my Debts press on me. Can you help me to a Purchaser of some Lands? I am threatened with Ruin not because I have not estate, but because I can't sell it and get Money.

This State of things affects a Man's Independence of Character. I wish to address a Pamphlet to the People of the State on the United States Bank, and its Operations upon the Interests of the People here, that a proper Temper might be excited by the Meeting of the next Assembly: But I am indebted to that Bank, and should be sacrificed. If the State Bank will protect me, I will very soon bring this Subject before the Public. I do not know your Views: but I am convinced, that the Branch of the U. S. Bank at Fayetteville, which is literally a Broker's Shop and kept for this purpose by the Mother Bank, is the greatest Curse that has befallen us since the Year 1791: and that the local Banks as well as Individuals will continue to be pressed, if not ruined, Unless we get Rid of it. We can't bank in this State, with this Monster feeding upon our Vitals.

I have laboured with some of my Friends to shew that it was the true Interest of *the State,* (I don't mean of Merchants who trade to Petersburg, New York or Philadelphia) to have Bank Paper a *little below Par*: a Paper that has a Par Value at

home, not given to it by Legislative Act, but by the Confidence of the People, And which will not pay Debts in Distant Markets without a Loss. We are acting upon the ridiculous Idea, that the whole Community must submit to Inconvenience, in order that our Merchants may deal in other States without much loss. I regret Your Vaults were ever opened. Your Paper after a little fluctuation (like the Paper of the Bank of England) settled down at a fixed Value. This it would have retained, and it answered *our Purposes,* just as well *then,* as it does *now.* The true Way of fixing our permanent Prosperity, is to adopt such a System of Policy as will give us a Home Market: Our Money will easily sustain its Credit Among our own Citizens, and if We had Markets at Home, it would not travel much abroad.

I know An Idea prevails that the Circulating Medium of this State is too small to enable the local Banks to make a Profit,—and that therefore their Notes must be pushed out into distant States. Independently of the fact that the Circulation would increase, as the Home Market extended, The Legislature could and should throw [money] into Circulation in the execution of Public Works, to the Amount wished for by the Banks: and in this way give a *Guaranty* to the Nation, that the Banks shall prove solvent. The Banks could not but confide in the State as to *Money Stipulations,* however much they might distrust her upon other Subjects. No State for a Century past, has ventured to trifle with its *pecuniary Credit:* and We are surely too far advanced in Morality, for such an Idea to be listened to.

I hope to see you in Raleigh on Monday next.

Dear Col,

Yours. Sincerely.

Col. Wm. Polk. A. D. MURPHEY.

[Address: Raleigh]

To Thomas Ruffin. RUFFIN MSS.

HAW-RIVER. 28th July 1821.

Dear Ruffin/.

I stayed nearly a Week in Caswell after you left us, making Arrangements for my Mother's future Condition, and trying to bring to a Close my business with J. Smith. * * * * These Sales and that of such Negroes as I wish to sell this Fall, will give me ten or fifteen thousand Dollars *in Bonds.* I wish I could sell all I have except a few Servants for my Wife, and begin Anew. But the difficulty of geting Purchasers is so great that my Progress will be slow. I intended to sell my Negroes this Month; but having a likely Crop, (indeed the best Crop of Corn that I ever saw on high land) I thought it would be to my interest to keep my Negroes Untill I could gather it in.

During all this time I know my Securities are very uneasy. Yet I am convinced that I am taking the most prudent Course, and that by pursuing it I can Relieve them and save in some degree my own Credit. Much may be considered as being done, if I can relieve them to the Amount of fifteen or eighteen thousand Dollars in one Year; and if God prosper me, they shall be Relieved to that Amount before the end of this Year.

I know not how I am to meet the executions that are against me. * * * Did I know where a find a few Friends who had your generous Heart, Dear Ruffin, I would seek them out. But Whilst all pity me, none but yourself lends any Help. May I be able one day to reward You: And may God bless me with a Son who will discharge the double Duty of Friend and Child, as you have done!

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[Address: Hillsborough.]

To Captain Herndon Haralson. M. MSS.

HAW-RIVER. N. C. 5th. Augt. 1821.

Dear Sir.

* * * My Brother continues very low. * * * He is reduced to a Shadow and must die, if his Disease be not soon checked. He is now on his way to the Sweet Springs. I do not believe if he should Recover, he can go to Tenessee this Fall. Mr. Ambrose Bennett will, in that event, go out. I understand the Lands are all advertised for the Taxes And will be sold in October Unless the Taxes be paid. We are so distressed for Money that I know not how We shall raise enough for the Payment of the Taxes. I wish this Business could be finally closed upon advantageous Terms. I have such a Dread of the Corrupt Principles of Tenessee, that I equally fear the Court, the Bar and the Jury, in contending with such Men as Overton and Jackson. The Business is in a fair way to yield a Profit, if it were well managed. I have written to Mr. Debow to convey to me his Interest. Should he do so and my Brother remain in too feeble Health to visit Tenessee shortly, I will go out and try to bring all the Business to a Close.[1] * * *

I envy your Situation. No creditors pressing you down.

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[1]In 1789 John Rice obtained 80,000 acres of land on the Big Hatchie River for a partnership composed of himself, his brothers Joel and Elisha, and Jesse Benton. He removed from Caswell County to Nashville in 1785, engaged in trading, land speculation, and surveying, and was killed by the Indians seven years later. He owned nearly 50,000 acres exclusive of his rights in these lands. After his death Judge John Overton, Gen. Andrew Jackson, and others set up claims to the Hatchie lands, which could not be finally adjudicated until the extinguishment of the Indian title in 1818. In 1805 Rice's devisees and heirs contracted with Solomon Debow, his stepson, to give him 70% of all lands which he could recover for them, and on the same day Debow formed a partnership with his brother Stephen, his cousin Alexander Murphey, and Capt. Haralson to effect this object. After the Chickasaw treaty Solomon Debow instituted a suit for 15,000 acres of the Hatchie lands in the Supreme Court at Nashville in the name of the devisees and heirs (Hugh Gwynn and others v. John Overton and others). In September, 1821, he assigned to Judge Murphey his interest in the contract of 1805 in partial payment for Murphey's losses by him through suretyship. Subsequently Judge Murphey acquired the interests of Stephen Debow and Capt. Haralson and also the rights of all devisees and heirs of John Rice to the lands involved in this suit.—Ruffin MSS.; Murphey MSS.; J. D. Davis, *History of Memphis* (Memphis, 1873), pp. 7-25.

I am literally crushed: Yet have an elasticity that raises me up again. I *have been broke* now twelve Months, as every one thought: Yet I move on in the old way regardless of all that is said, and People begin to think the Report is not true. The Truth is I am distressed beyond Measure, Yet few know any thing of it. This is Confidential. You'l shortly get Money from Debow: He wrote to me that he was only waiting for an Opportunity to forward it to You. Some of his Creditors have sent on and got their Money. But if he were pressed, or the Amount of his Debts known, it would ruin him and blast all his Prospects. Be easy with him. He owed me upwards of $24,000: upon a Settlement of our Accounts. I struck off $14,000 and took his Bonds for $10,000. payable six and seven Years hence.

Archy[1] writes to me often. He is doing well, *very well.* I write frequently and encourage him.

[*torn out*] is in fine Health: and so are the Drs.[2] Family. My Wife, I informed you, has lost the Use of her Right Arm. She is in good Health in other Respects, and so are all my Family at this time. I saw Jonathan[3] the Other day,—his Family are well. Do write often, and write long Letters. I will write, and I hope you will have better Luck in geting my Letters. Jenny joins me in Love to Polly and all the Family.

Yours. Affecly.

Capt. H. Haralson. A. D. MURPHEY.

[Address: Shelbyville, Tenn.]

From Colonel Ransom Sutherland. M. MSS.

WAKEFIELDS. 7th. August 1821.

Dear Sir

I have been honoured with your second address (by Colo. Polk), on the subject of materials to make out a regular his-

[1]Archibald Haralson, in Louisiana.
[2]Dr. John McAden.
[3]Jonathan Haralson.

tory of this State, which you seem to have much at heart, and laudable enough;—that the people of future generations might know what we had been doing in our day and time.

You request me to go more in detail on the rough sketches I had already made out, but I can only repeat what I said before, that I had run to the end of my recollection; nor am I certain that I am perfectly correct in every particular I have stated: for it has been so long since, that I cannot now say whether it was by the Assembly or some Committee, or self created body, that the people were directed to elect the first Convention that met at Hillsbo., but I think it was by the former. I cannot at this time recollect any thing more than I have said of Tryons administration here; unless you might think it material to know the time when he fought the regulators at Alamance; I believe I am correct in saying that event took place in the month of May 71: now upwards of fifty years ago.

At the first Assembly after that battle, the Governor obtained an act of amnesty and oblivion, to protect those who acted with him against the regulators, for any illegal acts they might have committed in the course of the struggle.

If ever I heard, I now forget the motive that induced Governor Martin to seclude himself on board a sloop of war; but I suppose it was to avoid personal insults from the people around him; for parties ran high then, and with much rancour, for and against the mother country: as is the case in all countries when the State is convulsed, and a change of Government about to take place. I suppose there was an understanding with General Gage and Governor Martin, that Gage was to send on some Scotch officers (and brave fellows they were) to stimulate the Scotch men in this Country and the old tory Regulators to imbody and march to Wilmington: and if they could have got there, I expect Martin was to have taken command of them, and march them through the country to harrass all those that had been active on the other side, and depredate their property.

His dispute with the Assembly was founded on our quarrel with England.

I can say but little of the customs and manners of the people

in those days,—in consequence of the violence of parties over the dispute with England, they were of course demoralized:—rapine and private robbery, and even murder, was the order of the day in many places between the parties, by the tories particularly: who were the most ignorant part of the community.

The religions sectaries adopted the same mode of publick worship in those days that they now follow. The Episcopalian, or church of England, was established by law, and their clergy where inducted, was supported by a tax on the people, but the Constitution of the State can inform you how they stand now.

You have a list of the principle Lawyers that I can recollect, of that time; they were considered eminent in their profession; zealous advocates for the American Cause, in which many of them took an active part in some way or other; I was personally acquainted with them all, and do not recollect to have heard any complaints of their moral or private characters, but it was said that some of them shortened their days by intemperance.

I have no correct recollection how publick Justice was administered in the interregnum if I may so term it, or from the end of one Government to the beginning of the other, but I believe the Convention provided that Committees should be appointed in different parts of the State to settle disputes between man and man;—I am impressed with the opinion that some plan was adopted for the purpose; and the Journals of the Convention would clear up all them matters. You must procure the Journals or you can never compose a correct history of the State: to imbrace the occurrences of those periods.

The Convention which formed the Constitution at Hallifax in Decr. 76 I think nominated the Judges I named to you, who entered on the duties of their office and administered Justice according to the Constitution, and the Laws then in force.

I was not a member of the Assembly in the year 74 nor do I possess any old News papers, magazines, Journals, or political pamphlets: which you wish to get.

Well Sir; I have done all I can do, in the manner it is done; to aid you with the object you have in view; and shall forward to Colo. Polk your heads of particulars submitted to me; by

which, (as his mind is not impaired by time, and was an officer in the regular army a considerable time during the Revolutionary War), I have no doubt but that he can and will communicate a number of circumstances that never came to my knowledge, particularly respecting the conduct of the Army.

I remain Sir with much respect

Your obt. Hble. Servt.,

RANSOM SUTHERLAND

The foregoing contains a short reply to the several cases you have stated in your last letter, to the best of my knowledge and recollection. R. S.

[Address: Orange County.]

To Colonel William Polk. M. MSS.

HAW-RIVER. 11. Augt. 1821.

Dear Col.

By the last Mail I received the enclosed Letter from Capt. Haralson. As the laying off a Town at the Bluff on the Forked Deer[1] is entrusted to You, I send you the Letter with the Map accompanying it.[2] The near Approach of the Mississippi to the Bluff is unexpected; but it augurs no ill to the Interest of the Trustees, I expect. The Scheme of a Town on the Bluff on the Mississippi, appears to me, to be idle in the extreme, when the Bluff on the Forked Deer is so near, and the Distance to Orleans less, down the Forked Deer from that Bluff, than down Mississippi from the Other. The Junction of the Rivers by a Canal is ridiculous, when we consider the Height to which the Mississippi rises.

Would it not be well to direct Capt. Haralson to lay out the Town immediately? We could instruct Mr. Dickens to make a Sale of some Lots this Fall. You understand the Bearings of

[1]The Cole Creek Bluffs, where the University owned lands.
[2]This letter is written on the back of the map.

all this Business better than I do; and any thing that you shall do in it will be agreeable to me. The Treasurer and myself wrote you a long letter on the Subject of this Town, last Winter.

Accept, Dear Col, my best Wishes.

Yours. truly.

Col. William Polk. A. D. MURPHEY.

[Address: Raleigh.]

From General William Lenoir.[1]

[FORT DEFIANCE, WILKES COUNTY, August, 1821.]

Honored Sir,

Having lately seen in the State Gazette a publication of Mr. Walker's Circular letter in which there is a very imperfect statement of the battle at King's Mountain, brings to my Recollection your request for a true account thereof, and having previously observed that in all the Histories of the Revolutionary

[1]A. L., draft, in the possession of Miss Laura L. Norwood, of Lenoir, N. C. Endorsed: "A Rough Draft of a letter wrote by William Lenoir to send to Arch: D. Murphy Esqr., containing a short account of King's Mountain Battle fought the 7th October 1780." This letter has been printed in abbreviated and amended form in Wheeler, *Historical Sketches of N. C.*, II. 105-108 (from a copy furnished by Walter W. Lenoir, grandson of the General), and reprinted from Wheeler in L. C. Draper, *King's Mountain and its Heroes* (Cincinnati, 1881), pp. 551-554. William Lenoir (1751-1839), a Virginian by birth, lived in the vicinity of Tarboro from about 1760 until 1775, when he settled in that part of Surry County which is now Wilkes. In the defense of the frontier against the Cherokees and in Rutherford's expedition of 1776 he bore a prominent part, and afterward was almost constantly engaged in suppressing the Tories until the British invasion of 1780, at which time he was a captain of militia under Col. Benjamin Cleveland. He fought at King's Mountain as a volunteer private, and was with Col. Lee at Pyle's defeat. After the war he was major-general of the state militia for 18 years. He served a number of terms in both branches of the General Assembly, and during five years (1790-1794) was speaker of the Senate. He was president of the Council of State and a conspicuous member of the state conventions which considered the Federal Constitution; and at various periods he filled nearly all the important county offices in Wilkes. For 62 years he was a justice of the peace. Although his educational advantages were very limited, he became the first president of the Board of Trustees of the State University.—Ashe, ed., *Biog. Hist. N. C.*, II. 219-221; Wheeler, *Hist. Sketches of N. C.*, II. 462-465.

war that I have seen, the accounts of that battle are very erroneous, which induces me to attempt to fulfill your desire on that subject by giving you as perfect an account of the particulars of that transaction from my own knowledge, as my memory at so distant a Period will enable me to do.

But first permit me to digress untill I give you a short sketch of the then situation of the Western part of N. Ca, and other Circumstances which increased the Calamities of the war.

In the year 1775 Surry was a Frontier County and was considered to extend to the Mississippi River, with the Northern Territorial limits of the Province of North Carolina. And the Militia in that part of Surry that now composes the Counties of Wilkes and Ashe was about one company and a half, and a very few settled to the west of them (about that time the first settlements in Kentucky were made). The scattered situation of the inhabitants and their remoteness from any proper source of information together with the usual prejudices of a very limited Education under a Monarchical Government and some of the principal men amongst them having been handled pritty roughly by said Government for taking an active part in what was called the Regulation, and in consequence of which they were compelled to take an Oath of Allegiance to their King, and felt themselves Conscientiously bound to support and Defend his Authority; Together with the allurements held out by various means by the emissaries of the British Government caused so many to be disaffected to the Glorious Cause of Liberty, That the Whigs in the Western Frontier had enough to do to defend themselves against the Indians and their more unnatural Enemies, the Tories and British.

Between the years 1775 and 1780 there was some considerable progress made, under our State Governments in settling our Western Frontier.

And when a report was Circulated that a detachment of the British Army had advanced through the State of South Carolina, and a part of North C. as far as Cane Creek where a strong party of them were Repulsed by the neighboring Militia, Chiefly of Burke County under the command of Col: Chas: McDowell, and Major Jo McDowell; The active Whigs of the

Western part of North Carolina, and some from the near part of Virginia, like Patriots at a moments notice without any call from the Government turned out and concentrated in Burke County, without any aid from public Stores of Clothing, Arms, Ammunition, or any article of Camp equipage, not having a single Tent or Baggage waggon amongst them, and advanced to Green River near the Southern limits of Rutherford County, where they received some further (but imperfect) information of the Progress of the afsd. Detachment of the British Army Commanded by the Celebrated Colo: Farguson[1] who was said to be progressing through the Country in various directions committing great Ravages and Depredations, on which a Council was held by the Principal Officers of the Whigs; The Result of which was, that on Presumption that through the medium of the Tories that Colo. Farguson had daily information of the advancement of the Whigs and was so on the Alert that men on foot would not be able to overtake him Therefore orders were given for as many as had, or could procure horses to go in advance as mounted Infantry (not having a single Dragoon belonging to the Whig Army.) Whereupon about 5 or 600 were prepared and marched off about sunrise on the 6th day of October 1780, leaving the foot men about 1500 in number, encamped on said Green River under the Command of Majr. Joseph Herndon; and said Advance party of Mounted Infantry, being joined by Col: Williams with a few S. C. Militia[2] in the evening arrived at a place called the Cow-pens in S. C.[3] where two beeves were killed and orders given for the men to Cook and eat as quick as possible, but marching orders were given (before those who were indolent had prepared any thing to eat) and marched all night (being dark and rainy) and crossed Broad River the next morning where an attack was expected, but finding no enemy there the said Detachment almost exhausted by fatigue, hunger, cold, and wet and for want of sleep pursued their March a few miles, where they met two men from Col: Farguson's Camps who gave some account of

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[1]Ferguson.

[2]Foot-note: "Colo. Wms. was wounded in the battle and died one or two days afterward."

[3]Marginal note: "Genl. Morgan afterwards defeated Colo. Tarleton at the Cow-pens."

his situation. Then being revived by the hopes of obtaining the desired object, the Officers held a short consultation (sitting on their horses) in which it was concluded that sd. Detachment should be formed into four columns, for 2 of said Columns to march on each side of the road, as silent as they could, and to govern their march by the view of each other, placing Colo. Winston at the head of the right hand column Colo. Cleveland at the head of left and Colos. Shelby and Sevier at the heads of the middle columns, and as Colo. Campbell had come the greatest distance and from the State of Virginia he was Complimented with the Chief Command of the whole Detachment. And when they had marched in that Position about a mile, Colo Winston by a steep hill had got so far separated from the other Columns as to be out of sight or hearing of them, when some man rode in sight and directed him to dismount and march up the hill, which was immediately done with an expectation of meeting the enemy on said hill, but before his men had advanced two hundred paces from their horses, they were again hailed and directed to mount their horses and push on and that the enemy was a mile ahead, on which they ran with great precipitation down to their horses, mounted them, and rode like fox-hunters as fast as their horses could run through Rough woods crossing branches and ridges without any person that had any knowledge of the woods to direct, Guide, or pilot them and happened to fall in upon the left of the enemy (being the place of their intended destination) at the very moment the firing began on the other parts of the lines,[1] when all dismounted under the fire of the enemy and the right and left Columns surrounded them as quick as possible, in the mean time they charged bayonets on the two middle Columns[2] who being armed with Rifles and not a single Bayonet amongst them were twice obliged to retreat a small distance, but they wheeled again with increased vigour and fought bravely, and the enemy being surrounded, their left wing began to retreat by drawing up in closer order toward their right, and at length

[1]Footnote: "Nothing but the interposition of a supernatural power could have conducted the right hand Column to so great advantage."

[2]Foot-note: "A number of the Tories who were not provided with Bayonets, substituted Butcher Knives the handles being cut to fit the muzzles of their guns."

hoisted a flag and surrendered themselves prisoners and not a single man of them escaped that was in Camp at the Commencement of the battle. After the arms and prisoners were secured some men were appointed to number the dead, who reported two hundred and fifty of the enemy, and thirty two of the Whigs. There was not near so many of the enemy wounded as were of the Whigs, above forty of whom afterwards died with their wounds. The total number of the Whigs that were in the battle was between six and seven hundred, and the number of the enemy agreeable to their daily Returns was eleven hundred and Eighty-seven.

The Whigs Camped on the battle-ground and marched off with their prisoners the next day, and having no other way to secure the Arms taken, compelled the prisoners to carry them; a great number of them had to carry Two guns each; and about sunset met the foot-men they had left at Green River who had provided a plenty of Rations for the want of which the Whigs that had fought the battle were almost famished.—A few days afterward in Rutherford County the principal Officers held a Committee, Court martial, or board of war, (for I know not what they called it,) over some of the most Audacious, and Murderous Tories, and selected thirty Two as Victims for Destruction, and commenced hanging three at a time untill they hung nine, and Respited the rest.

Colo. Farguson had placed himself on the Top of King's Mountain, the Morning before the battle, and in a boasting manner proclaimed that that was King's Mountain and that he was the King of that Mountain, supposing it to be a very advantageous situation for him, but it proved to the Reverse from the manner he was attacked and surrounded, for his elevated Situation secured the Whigs from the danger of their fire on the opposite side, and he being surrounded, when his men sheltered themselves by trees on one side they were exposed to danger on the other.

Colo. Farguson had seven or eight bullets shot through him and fell some time before the Battle was over. The number of Whigs was so inferior Colo. Farguson or his successor in command might have easily retreated with very inconsiderable loss

and if they had known the number and situation of the Whigs, no doubt but they would have retreated instead of surrendering.

It appears that under the Auspices of the same divine Power that so advantageously conducted the right hand column of the Whigs to the Battle at King's Mountain, that from that Period good fortune seemed to Preponderate in every direction in favour of the common Cause of Liberty (except the single instance of General Gates, who by his own imprudence was defeated after the sd. Battle) for although the British army kept the battle-ground at Gilford Court-house, it appears to be given up on both sides, that the Americans had the best of that Battle, and disabled their enemy so that he had to shift off in the safest manner he could. To contrast the situation of the Whigs after that battle with what inevitably would have been their situation in case Farguson's Army had gained as complete a victory over the Whigs as the Whigs had done over them, It must appear plain to the understanding of every man that said Battle was the most Decisive, the most Gloriously fought, and although few in numbers was of the greatest importance of any one battle that ever was fought in America, It being a precursor to the Capture of Lord Cornwallis.[1]

N. B.[2] I was Capt. of a Company of foot men and left them at Green River with my Lieutt. except 6 of them procured horses and went with us. I went as a common Soldier and did not pretend to take command of those that belonged to my company, but fell in immediately behind Colo. Winston in front of the right hand Column which enables me to give a more particular account of the progress of that part of our Army than any other.

Before the battle Adjutant Jesse Franklin, now Govr. of N. C., Capt. Robt. Cleveland, and myself agreed to stand together and support each other, but at the commencement of the battle, Enthusiastic zeal caused us all to separate, each

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[1]Foot-note: "The seventh day After the King's Mountain battle about 300 Tories at the Shallow ford of the Yadkin, were defeated [*Marginal note:* by 105 Militia-men] and totally dispersed, with the loss of 13 or 14 men killed and a considerable number wounded. The Whigs lost but one man, [*name illegible*] killed, and very few wounded."

[2]To this supplementary note Gen. Lenoir prefixed the following statement: "The following is annexed to the account of King's Mountain battle I wrote to A. D. Murphey."

being anxious to effect the grand object, did not appear to regard their own personal safety. As to my own part from where we dismounted, instead of going on to surround, I advanced the nearest way towards the enemy under a heavy fire, untill I got within about 30 paces. Before they began to give ground, being among strangers I noticed one particular instance of bravery. On hearing a man within six feet behind me fall, I just looked around and at that instant another soldier jumped at him saying "give me your shot-bag, old fellow," *his own ammunition being exhausted.* About this time I received a slight wound in my side and another in my left arm and after that a bullet went thro' my hair above where it was tied and my clothes cut in several places.

From the account I have given you of the Battle you will understand that it was fought from our side by militia alone, and by that Victory many militia officers procured Swords who could not possibly get any before; neither was it possible to procure a good supply of Ammunition.

I never knew what was the cause of your soliciting me to give you an account of K[ing's] M[ountain] battle in writing, whether it was for your own private satisfaction, or whether you had an intention of contradicting or Correcting the very erroneous accounts of that battle already published and thereby giving your fellow Citizens the Credit they are entitled to on that occasion; If that is your object and you should make use of my letter on the occasion, you will have to extract such parts as you may think proper, and correct not only the Grammatical errors, but improve the Phraseology.

To General William Lenoir.[1]

HAW RIVER. 18th. Augt. 1821

Dear Genl.

Your letter containing an account of the Battle at King's Mountain came safe to hand, and I beg you to accept my

[1]A. L. S., in the possession of Miss Laura L. Norwood, of Lenoir, N. C.

thanks for this communication. You ask me why I want it? I will tell you. For some time past I have been collecting Material for a History of North Carolina. When I first mentioned to you the subject of writing out for me an account of the Battle at King's Mountain, my plan was confined to a History of the Revolutionary War in this State. Since that time I have enlarged it, and if I ever get time I will write the History of the State from its discovery to the present time. Having now explained to you my Object, I take the Liberty of making a request, which I know you will readily grant, and that is, to write for me a circumstantial account of,

1. The Settlement of the Western parts of this State,—the leading characters in forming such Settlements—Anecdotes of the contests with the Cherokees—Names and character of the principal Cherokee Chiefs—Rutherford's Campaign in 1776—Treaty of 1777.

2. The State of manners up to the Commencement of the Revolution—Administration of Justice—Religious Societies etc.

3. The Military Operations during the Revolutionary War, particularly those between the Whigs and Tories—with as minute and detailed an account of these operations, and of the great variety of anecdotes which grew out of them, as your memory will enable you to do. I want a particular Account of Col. Cleveland, his character, and his operations, including His Method of administering Justice, trying Tories and other Persons accused, executing them etc.

I want a similar account of Col. McDowell, and other leading Men among the Whigs in the Western Counties. Describe the conduct of the Tories, their Leaders etc.—which side was most blamable for Acts of Atrocity. Write out a Number of Anecdotes on these Subjects.

The establishment of Social Order after the War—State of Feeling between the Whigs and Tories—its gradual abatement, and the causes thereof—The Administration of Justice during the War, and after its Close—Anecdotes on this subject.

Take up any part of the History of the State that you please, and write about it. Be not afraid of writing too much on any

subject. Among other things, write on the changes of our Climate, Improvements in our Agriculture, causes of each.

Progress of Manners and Civilization etc.

Address your letters to Haw River. You will find Amusement, I hope, in writing: and you will recollect many things as you progress, which do not at first occur to you.

Can you tell me the extent of the Cherokee Possessions? What Indian Tribes inhabited this State when it was first settled? and what were the Boundaries of their respective claims?

With great regard, Dear Genl., I am

Your Obt: Sert.

A. D. MURPHEY.

From Colonel Ransom Sutherland. M. MSS.

WAKEFIELDS 18th Augst. 1821.

Sir.

The following lines are intended to complete a clause in my letter[1] respecting the Tories: not of much consequence, but as you wished me to go into detail I thought I would forward it in this way, that you might have a more correct idea of their character and principles.

It should have read Thus

"who were the most ignorant part of the community, for the word *King* was an awful and terrific sound to them. To War against him was Treason of the first degree, and like the sin against the holy Ghost (unpardonable). That he was invincible and would ultimately prevail in the contest; and then all those who had rebelled against him were to be shot, hung or beheaded, or fly their country—out of the reach of British Vengeance; nor was it in the power of man to change their opinion, and belief, that Great Britain would ever give up this Country.

In haste. Your Hble. Servt.

R. SUTHERLAND

[Address: Orange County.]

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[1] *Ante*, p. 220.

From Isaac T. Avery. UNIV.

SWAN PONDS 19th. August 1821.

Dear Sir.

Yours of the 2nd. Inst., by Mr. Palmer is now before me. The excessive rains and freshets of the latter part of July deprived me of the pleasure of meeting yourself, and the other members of the Board of I|nterna|l Imp|rovemen|t which I was extremely desirous to have done. I hope to be more fortunate in November.

The persons in So. Carolina as well some Citizens of Rutherford who had thoughts of contracting for the improvements on Broad River, have desended it since the fine weather commenced, and are, I believe, of the opinion that the work cannot be completed, agreeable to the specifications, for the sum appropriated.[1] Mr. Palmer, who returned last evening from Rutherford, appears to be of the same opinion. The Citizens of that County, are extremely anxious, that a contract should be made, previous to the meeting of the next Legislature, and entertain fears (groundless I hope) that the law, making the appropriation, may be repealed, and the whole system of Internal Improvement abandoned. From the Election returns, that I have seen, I am induced to believe, the present Legislature, will be characterized by a spirit of Liberality. Be that as it may, the Citizens of Rutherford are extremely desirous that the specification should be so altered as to require only a depth of eighteen inches at low Water, which they say, would be sufficient, for their purpose, and they propose, if a contractor cannot be procured for the sum appropriated, to make up the balance by subscription. I would submit it to the members of the Board and to the Engineer whether it might not be better to vary the contract, in the manner proposed.

As a Citizen of North Carolina, and as a person anxious to be considered, among the number of your friends, it was with no ordinary degree of pleasure, that I learned from the con-

[1]For improving the navigation of Broad River from Twitty's Ford to the South Carolina line, under the direction of the Board of Internal Improvements, the last Assembly appropriated $5000 of the fund for internal improvements.—Laws of 1820, ch. 38.

cluding part of your letter, the business to which you were devoting your leisure moments. The memoir, on the internal Improvements of this State, written, as we who know you, know it must have been, in moments snatched from arduous professional duties, affords a happy presage of what we may expect from the work in which you are now engaged, which is to take away from N. Carolina the reproach of having produced no Son who has undertaken to give to the World, the principle Incidents in her history. Since your letter was handed to me, by Mr. Palmer, my engagements have prevented me from, undertaking anything like, a regular search among the Mass of papers belonging to my lamented Father.[1] In the course of a short search, since Mr. P[almer's] return last evening, have not been able to lay my hands on any papers which I conceive would be interesting to you, in the prosecution of your work. My Father was sent on to the Council of safety in So. Carolina, to procure amunition.[2] He was sent with a small party by Keowee and Tugaloe in So. Carolina, to join Genl. Rutherf[or]d in the Cherokee Nation,[3] which he did. He was subsequently a commissioner at the Treaty of the long Island of Holstein. I find a diary[4] from the year [17]69 when he first came to N. Carolina, and continued for some years, relating principally to his own concerns, but interspersed with some remarks on the state of affairs—for instance, the commencement of, and progress of the regulators, but so short as to be of no service, except to fix the date of those events which can be done from other data. I am in hopes to find the Instructions from the Council of Safety, and also his orders when sent to Genl. Rutherford, and these and any other papers, retained copies of letters, or others that I conceive you may wish to see, I shall forward to you with pleasure. The destruction of my Fathers library and papers by the British at Charlotte has caused the

[1]Waightstill Avery (1741-1821), a distinguished Revolutionary patriot and first attorney-general of North Carolina.

[2]*Cf. Colonial Records of N. C.*, X. 651 (Aug. 5, 1776) 745, 787.

[3]See *ibid.*, X. 830.

[4]This diary and other MSS. of Waightstill Avery were published with a biographical sketch by Gov. Swain in the *N. C. Univ. Mag.*, IV. (1855) 242-264. The diary covered only the year 1769 and appeared to be complete. It was doubtless with the Murphey papers then in Swain's possession.

loss of a great number of his old papers. He practiced law in what now constitutes the State of Tennessee, from the first settlements on the Holstein, before and after the cession,—and perhaps there was no man living at the time of his death, that was better acquainted with the progress of our Settlements to the west, and with events, for which we must even now rely on tradition. While on the subject, I will send you by Mr. Palmer a manuscript, of the acts of Franklin.[1] The confusion and anarchy into which, the Territory was thrown, at the time of the establishment of the Franklin government, as it was called, are no doubt familiar to you, but you may never have seen their acts, and the revenue law contained in the copy I send you is certainly a curiosity. I send you some old Petitions, etc. They are without date but from the circumstances, must have been written early in 1770. They perhaps like old coins, have derived some value from their antiquity, and go to show the temper of the people, at that time. With the same view I also send you a copy of the instructions,[2] to the Mclenburg delegates, in the year [17]76—and shall from time to time forward to you, by safe conveyances, anything I may meet with likely to amuse, interest or assist you in the prosecution of your plan. Permit me to sudgest to you that there are, residing in this part of the country, intelligent men, who were actors, in scenes that took place, in the most interesting period of our history, and who were out in our Indian Campains, and were present at Ramsaurs, Cane Creek, Kings Mountain, etc. and were present at many brilliant little actions which no historian has recorded and which are fast slipping into oblivion. I would mention my neighbour James Murphy Esqr.[3] as a person able to afford interesting information on these subjects.

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[1]See vol. II. p. 414.

[2]Printed in *N. C. Univ. Mag.*, IV. (1855) 259, and in *Colonial Records of N. C.*, X. 870a. The original MS. is in the Draper MSS., 1 KK 116, State Historical Society of Wisconsin.

[3]An old Revolutionary soldier whose son married a daughter of Col. Isaac T. Avery. He was not related to Judge Murphey.—*Raleigh Register*, March 31, 1820, July 3, 1827; James Murphy's application for a pension, U. S. Bureau of Pensions.

Your goodness will attribute my prolixity on the most friendly motives, and believe me to be with sentiments of respect and esteem very truly yours. ISAAC T. AVERY.

A. D. Murphy Esqr.

P. S. I shall send by Mr. Palmer the specification and contract with a hope, that they can be so modified as to meet the views of the Citizens of Rutherford, and enable us to get a contractor.

From William J. Bingham.[1]

DR. HUNT'S.[2] Septr. 3rd. 1821

Dear Sir,

To tender to you my sincere thanks for the numerous evidences of your wish for my prosperity, is but a poor return for your many favours. From me, a debt of gratitude is due, very difficult to discharge. Be assured Sir, I would feel the utmost pleasure, in rendering you any service in my power.

It is natural to suppose, you feel some anxiety to know how I am pleased with the situation, which you so highly recommended. I could be better pleased no where. A young man who could not be happy in my situation, could be happy in none: for two more worthy, and agreeable families are, I think, no where to be found.

I am, Dear Sir, with the strongest sentiments of esteem and gratitude, your much obliged, humble servant

WM. J. BINGHAM.

N. B. I continue here next year.

To

Judge Murphey.

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[1]A. L. S., in the possession of Judge Archibald M. Aiken, of Danville, Va. William James Bingham (1802-1866), son of Rev. Wm. Bingham, founder of the school that still bears his name, taught for several years in Granville County, was graduated at the State University in 1825, and began the study of law under Murphey; but upon his father's death in 1826 he took charge of the school, intending to return soon to his law books, and remained at its head 40 years. His service to the state as a teacher was great, and he raised his calling from disrepute to honor. All of Murphey's sons studied at the Bingham school.—Ashe, ed., *Biog. Hist. N. C.*, VI, 69-74.

[2]The residence of Dr. Thomas Hunt, in Granville County.

From General Joseph Graham.[1]

VESUVIUS FURNACE, October 8, 1821.

Dear Sir,

I send by the Post Rider (the present mail) containing a Roll of about one and a half quire, a continuation of the narrative of the Revolutionary War in this State, with special directions to deliver it to you at Salisbury Court.[2] Owing to some severe recent afflictions in my family prevents me from going to Salisbury and delivering it myself; it is probable this contains all I may furnish you, however if anything occurs which I may think material, or if on perusal of this if explanation wanted on any part, when you write me acknowledging the receipt of it if you suggest any information I possess which may be wanted, if in my power I will furnish it. On examining the narrative it will appear most particular notice is taken of such Transactions where I was personally concerned and the reason is because I knew the best about them. It may be further remarked that at that time I was quite young and low in grade, was seldom allowed to councils of my superiors, hence could not at all times explain the views of the commanders. I was considered as an executive officer and had the happiness at all times to possess the confidence of my superiors.

I will be much gratified when you find it convenient, from time to time to favor me with a line containing information what progress made and when we may expect the work will be finished. Since the printers furnished me with account of the Battles of Ramsour's it has been examined by 8 or 10 persons who were in that affair, they all admit of the correctness and being circumstances to their recollection which they had forgotten. The present narrative I have no doubt will be found equally correct by all persons who were concerned. Many of the details I suppose will be too minute and in copying have to be Razzeed. The mode of publishing such pieces in the Newspapers as may suit I think a good one; if any errors to be

[1]From *State Records of North Carolina*, XIX. 992-993.

[2]This instalment (the last) of Gen. Graham's narrative is printed in vol. II. pp. 295-311.

corrected or additions to be made your friends could ascertain them and give notice previous to incorporating in the body of the work.

I would apprise you in your selections not to rely much on Doctor C. Caldwell's Life of General Greene. As far as I have examined it contains but few facts, except what he has borrowed from Lee's Memoirs and others. I think a good style is all that recommends it.

I am, Sir, Very Respectfully,

Your Most Obedient,

JOS. GRAHAM.

To Treasurer John Haywood. UNIV.

HILLSBOROUGH. 28th. Dec: 1821:

Dear Sir.

Understanding that Mr. Hooper[1] has resigned the Professorship of Languages in the University of this State, and that Mr. John Rogers,[2] of this place, is willing to fill the Professorship, It is with much pleasure that I hereby have an Opportunity before the appointment be made, of declaring to you, and through you to the Committee,[3] the high Opinion I entertain of Mr. Rogers' Qualifications. He has been well educated in the Latin and Greek Languages, has been long employed as a Teacher, and has been no less distinguished for the excellence of his Discipline than the superior Method of Instruction which he has adopted. He will be an acquisition to the University, and his residence there will be probably permanent. I shall rejoice to hear of his being appointed to succeed Mr. Hooper.

With great regard,

Your Obt. Sert.

John Haywood esq. A. D. MURPHEY.

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[1]William Hooper, grandson of the signer of the Declaration of Independence of the same name.

[2]Principal of the Hillsborough Academy, the preparatory school to the University.—Raleigh *Star*, July 2, 1819. He was not appointed.

[3]The Committee of Appointment, of which Murphey was a member. See *ante*, p. 124.

To Thomas Ruffin. RUFFIN MSS.

23d. Jany. 1822.

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I send to Mr. Gales (who will hand you this) the Manuscript for nearly one Volume of my old Reports.[1] Mr. Lucas printed 208 Pages. I have beged Mr. Gales to commence the Work *de novo*. It is so badly and incorrectly printed, that I feel ashamed for it to go before the Public. Will you add your Request to mine that he reprint what has been printed. If he will, I will dress it off in a new Style.

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To Thomas Ruffin. RUFFIN MSS.

HAW-RIVER. 18th. May 1822.

Dear Ruffin/.

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I have resolved, if I can get Money to bear my expences, to go to Tenessee this Summer and sell what Lands I can, and compromise our Law-Suit. If I can get ready, I will start about the 12th. June, so as to get out before the day when the Taxes have to be paid. This is a dreadful Trip to me; but I see clearly, all will be lost there if I do not go. My Brother conveyed to me 6.000 Acres, for me to sell and to pay his and my own Debts.[2] I also have about 2200 Acres there, which my

[1]Reports of cases decided in the old Supreme Court from 1804 to 1813, inclusive, and at July term, 1818. Murphey was clerk of the court during nearly all of the periods covered by these reports, and it was his duty as clerk to prepare reports for publication. Alexander Lucas, editor of the Raleigh *Minerva*, undertook to publish them before 1819, but did not finish his work. Joseph Gales published them in two volumes in 1822 (1 and 2 *Murphey's Rep.*; 5 and 6 N. C.). His reports of the decisions of the new Supreme Court (3 *Murphey's Rep.*; 7 N. C.) were published by Gales in 1820-21.—*Raleigh Register*, Jan. 12, 1821; Ruffin to Murphey, May 28, 1819, in Ruffin MSS.; Laws of 1808, ch. 7; Laws of 1813, ch. 4; *ante*, pp. 32, 169.

[2]Alexander Murphey died April 12, 1822. Two months earlier all of his property was sold at auction for the benefit of his creditors.

Father devised to my Brother and myself in Trust etc. I will sell these Lands also, If I can find Purchasers.

I know you suffer Anxiety; and to me it is painful to think that much of it is on my Account. How far I can relieve you during the present year, God only knows.[1] I will do all I can. I have had a pretty good Circuit, but have been pursued all round by Men to whom I owed small Sums. I have paid them off as they called, and am, thank God! nearly relieved from them.

My Wife has been very unwell on this Week. She has had a bilious Attack accompanied with high fever. She is up on today, and her Fever has in a good degree abated. Farewell, Dear Friend, and may God bless and prosper you!

Yours. Affectionately.

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[Address: Hillsborough.]

To Thomas Ruffin. RUFFIN MSS.

Dear Ruffin.

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I am mortified at the Conversations you allude to. Where they originated or who propagated them, I can't tell. I had not heard of them since the day of Sale,[2] Untill I got your Letter. I will abandon the Country destitute of every thing and go away on foot, rather than be the Cause of any Reports or Insinuations injurious to your Character or Interests. You

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[1]At a public sale at Murphey's mills on Dec. 11, 1821, Dr. James Webb and David Yarborough sold the property held by them in trust to protect Murphey's sureties, and Ruffin purchased the greater part of it, including the Hermitage, for $24,000. Murphey owed Ruffin $34,000. This debt was reduced to $19,000 by Ruffin's dividend of the proceeds of the sale. He also remained in debt to the State Bank and to several individuals. He continued to live at the Hermitage. Ruffin found it very difficult to pay for this property and meet his heavy suretyship obligations: he applied himself with such diligence to the practice of his profession that he was in court 43 weeks in the year.—Orange County records; *Raleigh Register*, Nov. 16, 1821 (advertisement of sale); Ruffin MSS; Peele, ed., *Lives of Distinguished North Carolinians*, p. 289.

[2]See preceding note.

have served me like a Friend, and that that Service should be the Means of lowering you in public estimation, hurts my feelings more than any Misfortune that has befallen me. Nothing will probably satisfy the malicious, but one of two things, either that I quit the Country and be forgotten, or turn Scoundrel. The Perplexities, Anxieties, Griefs and Sorrows (some of which you are ignorant of) which invade me and actually encompass me, are enough to run a man crazy. I will bear up against them all, and in a faithful endeavour to do my duty, find all the Consolation I can. It is all I ever expect in this World. Farewell, my Dear Friend.

A. D. MURPHEY.

Sunday Morning
19th. May 1822.
My Wife is better.
[Address: Raleigh.]

To Thomas Ruffin. RUFFIN MSS.

CLARKSVILLE.[1] 30th. June 1822.

Dear Ruffin/.

We reached this place this Morning after a Ride that has jaded our Horses and nearly ruined them. We are still an hundred Miles from the nearest of my Lands. I stayed one day and an half in Nashville. All our Lawyers were out of

[1]In Tennessee. Murphey went to Tennessee not only on business of his own, but also to lay before the General Assembly of that state the University's claims for escheated military bounty lands. Gen. Joseph H. Bryan, a planter of Granville County, ex-Congressman, and trustee of the University, was appointed with him for this mission.

From 1819 until the fall of 1821 applications for military land warrants were required to be made to a board consisting of the governor, treasurer, and comptroller of North Carolina. To this board the University presented evidence showing that many persons entitled to warrants had died without heirs. Their warrants were accordingly issued to the Trustees, favorably passed upon in 1820 by a similar board in Tennessee, and located; but the issuance of grants was stayed by a resolution of the Tennessee legislature, passed Nov. 16, 1821, until "the will of the General Assembly shall be made known." Felix Grundy, who introduced the resolution, contended that North Carolina reserved by the Cession Act of 1789 no rights to land claims of her officers and soldiers who subsequently died without heirs, and that such claims escheated either to Ten-

Town. I however saw Mr. McLemore,[1] who met me like a Friend and seemed to take as much Interest in my Affairs as if I were his Brother. I first arranged with him the plan of managing the Case of the Trustees before the General Assembly (Genl. Bryan being out of Town). He says there is great excitement about our Warrants, but he has no doubt a Compromise can be made. Indeed, from what I can learn from others, all that is asked for is *to divide* the Warrants. I have made this a Subject of enquiry with every intelligent Man I have met with, and all agree the Claims will be allowed, if we *will divide*.[2] I have drawn a Memorial to the Assembly seting forth the Grounds of our Claims and urging the Rescinding of their Resolution: and have then brought forward the Subject of exempting our Lands from Taxation, and have proposed to give *a fair equivalent* for this exemption. This is the only way that I could

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nessee, as territorial sovereign, or to the United States, as owner of the lands. After the passage of his resolution Grundy brought in a bill for the issuance of grants to the officers and soldiers, thus to compel the Trustees to prove their right by death prior to 1789. When defeat seemed imminent he changed the bill so as to provide for the appointment of two persons by the governor with full power to determine to whom the warrants belonged, and in this shape the bill passed the House of Representatives, but failed in the Senate. In private Grundy said he asked a compromise by which a part of the University's claims should be surrendered to Tennessee. His opponents denounced him as a demagogue. As the next session of the legislature approached the belief became widespread that Tennessee would make an open declaration of right to the lands claimed by the University, and it was whispered that a few prominent men were scheming to bring it about with the expectation of profiting thereby.

Many other warrants were issued to the Trustees in 1821 under the authority of the North Carolina board of adjudication, and in the same year the legislature by resolution directed the secretary of state to deliver to the Trustees a number of unclaimed warrants found many years earlier in the possession of fraudulent land office officials. These warrants had not been filed for adjudication in Tennessee, and by an act of the Tennessee legislature passed at its last session the time for filing them had expired.—N. C. Laws, 1819, ch. 992; *ibid.*, 1820, ch. 2; Acts of Tenn., 1821, p. 225; *N. C. Senate Journal*, 1821, p. 103; Whitney, *Land Laws of Tenn.*, pp. 225, 481-484; *Raleigh Register*, Aug. 30, 1822; Wm. Polk MSS., Daniel Graham to Polk, Nov. 25, 1821, Alfred Balch to Polk, March 29, 1822. *Cf.* Battle, *Hist. Univ. of N. C.*, I. 11, 382-385.

[1]John C. McLemore, a surveyor and agent for the University.

[2]I. e., give some of them to Tennessee. It should be borne in mind that the public lands in the Congressional Reservation still belonged to the United States, Tennessee being merely authorized to satisfy North Carolina claims.

think of, to bring the Subject of Compromise before the Assembly. Mr. McLemore said it was a happy thought, and declared there was no doubt of its Success. On Yesterday evening Genl. Bryant returned to Town and I delivered to him your Letter and that of the Treasurer, together with the Memorial. He is pretty sanguine of Success upon the footing on which the business is placed in the Memorial. He is very diligent and, I think, prudent, from what I could learn. I shall return to Nashville a few days before the Meeting of the Assembly, to consult further on this Subject, and then go to Murfreesboro',[1] and wait the Result of the Memorial.

My Prospects are more flattering than I expected. If Messrs. Balch and Whitsides[2] do not throw Obstacles in the Way, I shall get Our Law Suit compromised. Mr. McLemore is one of the principal Defendants. He broached the Subject of a Compromise to me before I had hinted at it or even alluded to the Suit. He is very anxious to have the Suit compromised. *All* the Defendants are luckily at or about Nashville at this Time. Mr. McLemore is to get them together, and consult before I get back to Nashville. I shall compromise if possible.

Mr. McLemore informs me that the Tract of Land granted to my Father on the Obion for 3210 Acres, contains a Surplus of nearly 5000 Acres,[3] and that it is, in his language, elegant Land. This is far better than I had ever hoped for. If it be such Land as he is informed by his Deputy who surveyed it, it is worth $25.000. Cash. My Lands on the head Waters of that River conveyed by Dr. Hunt, will, I hope, pay all my Debts, except to Yourself and Mr. Kirkland, If I can get some of my Creditors to *take Lands*. I hope to pay Sumerous[?], Allen, Kirkpatrick and Yancey[4] in this way. My Lands are worth more than I expected. If Providence favours me in this Trip, my Creditors will all be satisfied, and I have some hope I shall be

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[1]The capital of Tennessee at this period.

[2]Alfred Balch and Jenkin Whiteside, prominent lawyers of Nashville who represented the devisees and heirs of John Rice in their pending lawsuit.

[3]This land was granted to Col. Archibald Murphey Sept. 25, 1783, upon an entry in John Armstrong's office. By survey in 1822 the tract was found to contain 7263 acres, although the grant purported to cover only 3210. Such errors were common in the early grants.

[4]Joel C. Yancey.

able to purchase the Hermitage from You. I would not exchange it, were I out of Debt, for the Indies. My Sympathies and Associations are there, and they will never be fixed any where else. However I do wrong to indulge Hopes, that may prove illusory. I will suppress them and wait the Tide of events.

I am disappointed in Tenessee. It is a far inferior Country to North Carolina, take my Word for it. It will be infinitely poorer in a hundred Years, or even fifty. I have seen no Lands to be compared in Value to the Lands of Rowan. The Average Country is not equal to Orange. The Limestone Rock presents itself every where, and I assure you, it is more formidable than deep Gullies. All say, the Chickasaw Country (a free Stone Country) is the best Part of the State. As I wish to sell Lands in Tenessee, I can't talk so openly as I otherwise would.

I am in good Health. Fossett, my Companion, is of great help to me. Tell my Friends and Enemies, I have not run away, and that I will pay them all, if they will have a little Patience.

I pray Heaven to bless you, Dear Ruffin. Remember me Affectionately to Anne and all your Family, and to Mr. Kirkland and Family, and to my Friends, Dr. Webb, Dd. Yarboro, and Thomas Clancy.

Yours. Affecy.

A. D. MURPHEY.

Thomas Ruffin esqr

[Address: Hillsborough.]

To Thomas Ruffin. RUFFIN MSS.

NASHVILLE. 21st. July 1822.

Dear Ruffin.

Since I wrote to You last I have been through nearly one half of the Chickasaw Purchase, And if I was disappointed as to old Tenessee, I was still more as to the Purchase; but my Disappointment was of another kind. I have never seen such a beautiful Country, before, nor one where Industry can be so well rewarded. It is, very much like Mecklenburg and Cabar-

rus were, I expect, an hundred Years Ago, in their Appearance; but there is a fertility in its poorest Soil that I have seen no where else. Except the Swamps, there is really no poor Land, if we are to judge from its Production: for on the poorest Ridges that I have seen, six and eight Barrels of Corn, or 1000 lbs. of Cotton is the ordinary Crop. What is there called good Land, brings upon an Average 10 Blls of Corn or 1300 lbs. of Cotton to the Acre: And one Hand will tend more Land than two in any Part of North Carolina, West of Raleigh. I have just left the House of a Mr. Morgan on Sandy River, who is now making his second Crop and works four Hands. He has prepared 80 Acres of his Ground since Xmas 1821, and his Crop of Corn, without some Disaster will be 1000 Blls. In one or two Years the Attention of the Setlers will be directed to Cotton: At present, all must make Corn. The whole Purchase is intersected with Navigable Rivers, and New Orleans is a more convenient Market to the People there, than Fayetteville is with Us. I have travelled from the Kentucky Line Across the Country to the South Forked Deer, and every where seen beautiful Lands, and fine Crops.[1]

I wrote to you how I was disappointed when I saw old Tenessee. Since then I have seen much more of it, and my first impressions are confirmed. It is inferior, very inferior, to North Carolina for Farming. I am, upon the whole, very much pleased with the People: they are shrewd, active, intelligent, united in favour of *all their Men of talents,* so that every thing Valuable is made the most of. They have treated me with Kindness and Attention. There is an able Bar at this place, so far as I can judge from one day's Observation in Court. There are 26 Lawyers here, and Courts sit nine Months in the Year.

I have returned to this place, 1st. to treat of a Compromise of our Law-Suit, and 2d. to prepare the Business of the Trustees for the General Assembly, which meets tomorrow. I think I shall get our Law Suit compromised at 12.500 Acres. I have made the Offer and Mr. McLemore, who manages the

[1] "The Soil is a Rich, black Land, varying in Depth from four to ten Inches; then comes a good Clay—Not a Stone or Pebble to be seen."—Marginal note.

Business for the Defendants, tells me he thinks, We shall Agree. He waits for Judge Tremble,[1] who is to be here on Tomorrow, and who is deeply interested. If we agree, it will help me a little.

If I could remain here three Months, I could make a fortune out of the Business in which I am engaged. I write all this in Confidence, for Reasons which I can explain to You, but chiefly, because of the difficulty of making Sales, and of my Wish to get some of my Creditors to take Lands, which they, probably, would refuse to do, if they knew my Prospects. I have employed Day and Night in geting along with my business, And Whether I compromise the Law Suit or not, I shall have Lands worth more than all the Debts I owe. I have found many valuable Papers here, which no one has looked at for ten Years.[2] Out of them, I hope to make 10.000 Acres of Land, and I could make 20.000, if I could stay till Xmas. I have had 7.000 Acres surveyed and laid out into small tracts. I have conveyed one small tract to Wm. Fossett in Satisfaction of the Debt I owed him, and for his Services in attending to my Surveys (which will yet last five or six Weeks). I have conveyed a tract to James Graves (Capt.) who is here, in Payment of $2600, due him from my Brother's estate. It is a pretty tract and worth a large Sum.

The Surveyor is now runing out my Fathers Land on the Obion. This, I am told is a fine tract and has a very large Surplus. The Moment I can leave the Genl. Assembly, I shall go to the Hatchie where If I can adjust a Controversy with the Messrs. Bentons,[3] I shall get 7 or 8,000 Acres. In fine, I venture *now* to cherish a Hope that I shall soon be able to buy the Hermitage and pay all my Debts. I again say to You, I would not give it for the Indies, were I able to be the Owner of it. It is, as I said before, the place of my Sympathies and Associations: three of my Children are buried there, and I have Fears that the Time is not distant when my Wife will be laid by their Side. Letters which I have Received at this place, confirm the

[1]James Trimble, of Nashville, an ex-judge.
[2]Evidence of land claims of John Rice.
[3]Thomas H., Jesse, Samuel, and Nathaniel Benton, whose father bought lands in partnership with John Rice.

Fears which I had several Months before I left Home. Should any Accident befall me, I beg you to have my Bones laid by the Side of my Children.

I have insensibly run into a Subject that suits better my own Bosom, than exposure to the World. The Truth is, I can't venture to think much of my Family, whilst here: I should be unnerved and have to return immediately—: I therefore devote my thoughts almost solely to the Business on which I came. I shall be detained longer than I expected, and were it not that my Wife is declining so fast, I would remain here several Months. I shall stay no longer than I can get through my *necessary* Business, and trust to Providence for the Rest. John McLemore has agreed to aid me at Murfreesboro' in effecting some Sales. He thinks I shall succeed at a considerable Sacrifice in selling a few thousand Acres. It is the worst Time to sell: The Season is unfavourable to find Purchasers, and the Locators have so much Land in the Market, being compelled at all events to have Money. I hope, however, to get some Money. Most of the Lands will, it is thought, bring from ten to twenty Dollars Per Acre, in a few Years. Several Farmers from Alabama and South Carolina have purchased Lands and are preparing to settle Plantations.

As to the Trustees of the University, I wrote to You that I had drawn a Memorial in which I set forth an Argument in favour of their Claim, and made an Offer of an Equivalent to have their Lands exempted from Taxation. I have Amended it on Yesterday and Genl. Bryan has gone on today to Murfreesboro' to be in Readiness to submit it on the next day after Tomorrow. He has shewn the Memorial to several Lawyers here, who say the Argument is unanswerable. They have agreed to be in Murfreesboro' and help us. The Current was strong the other way, Untill a few days ago. We shall succeed, I believe, in effecting a Compromise, and save one half of the New, and perhaps, all the old Warrants. Mr. Eaton[1] the Senator in Congress from this State, is a warm Friend: He will go up to the Assembly to aid us. As I have put my Shoulder to the Wheel about these Warrants, I will push the business, till I can see its

[1]John H. Eaton, an immigrant from North Carolina and a former student at the University, afterward Jackson's secretary of war.

end: Buf it is a dreadful business to me, as it takes up so much time and causes me to neglect my own Concerns. If We succeed, the Institution is rich *indeed:* the Old Warrants are admirably located, and much of the Lands would now sell for $5. Per Acre. What think you of this? If We save the old and get one half of the new Warrants, they will be worth *instanter* $250.000, and double that Sum in five Years. We have placed the Business before the Legislature upon a footing above all exception to any one, and whilst we firmly contend for our Rights, we point out the way by which Tenessee may take a Part of the Lands, Vid'. as an equivalent for exempting the Residue from Taxation.

How I have overlooked my Chance here of making a Princely Fortune! Had I known a few Months Ago, what I know now, I could have been rich before this time. Col. Polk, Saml. Dickens, John McLemore, Colonel T. Henderson,[1] and Genl. Bryant, will be as rich as I was. They own just about as much as either of them could desire. The Truth is, the Rich Spoil has been divided among a few, *very few;* It is all a Mystery even to the People of Nashville. There are very few now out in this field of Adventure, where *all* the Chances are in one's favour. I am confident, if I could stay here till Xmas, I could make $25.000, Out of new business that I could pick up. The Harvest will be over by that time. It is rich now and not more than twenty Men have their Sickles in it.

It is well I came out. No one was paying the least Attention to the Business, and the Lands would have been all sold for the Taxes, had I not arrived in time to pay them. I saved my Distance only a few Hours. I have to pay 3 Years taxes, amounting to more than $275. These Taxes, with Fees to Surveyors for Identifications, Surveys, Plats etc. will cost me $900. I had no conception of the Charges. But there is no other Chance. It must be done to prepare the Lands for Sale.

Try to make People believe that I have not run away, that I will return, and that, if my Creditors will take Lands, I shall be able to pay them all on my Return. If I make Sales to any considerable Amount, I wish it not to be known at this time. Tell all my Friends, *How de;* and say, it is uncertain when I

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[1]See *post*, p. 249.

can get back; that I am engaged Day and Night, and will return, the Moment I can get off. Remember me Affectionately to Anne, and your Children, to Mr. Kirkland and his Family, Dr. Webb, Dd. Yarbro, and Thos. Clancy. There are many Others whom I can't enumerate.

Your Affectionate Friend.

A. D. MURPHEY.

Thomas Ruffin esqr.

[Address: Hillsborough.]

To Thomas Ruffin. RUFFIN MSS.

MURFREESBORO'. 1st. August 1822.

Dear Ruffin,

I hope the business of the Trustees is at length placed upon a footing that authorises me to say, it will be settled upon something like the following Terms.

1. The Trustees to transfer to such Institutions as Tenessee may direct 60.000 Acres of the Warrants *now filed* for Adjudication, to be held absolutely and free from any Claim whatever.

2. The Contracts of the Trustees with Col. Henderson[1] to be carried into effect *fully*.

3. The Trustees to make good *all valid Claims* that may be brought forward within 7 Years at the Rate of —— Per Acre.

4. Their Lands to be exempted from Taxation for 25 Years, and Grants to be issued to them upon all the Warrants, except those transfered to Tenessee and to Col. Henderson[1], etc.

5. Their Warrants to be located *West* of Tenessee River.

We shall make an effort to get our Warrants divided. This we have little hope of succeeding in; but if granted it will render them doubly Valuable.

At the Opening of the Assembly, there was a dead Majority

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[1]On Aug. 5, 1821, the Trustees entered into a contract with Col. Thomas Henderson, editor of the Raleigh *Star*, by which he was to procure evidence of escheated military land claims and lay it before the North Carolina board of adjudication, and then, if warrants were issued to the Trustees, before the Tennessee board. His compensation was to be one-half of the warrants. He appointed agents, agreeing to assign to them a part of his share. After a division made in October, 1821, the University had warrants for 147,853 acres.—Battle, *Hist. Univ. of N. C.*, I. 385.

Against us in both Houses, and much excitement evidenced. The Memorial and Argument submitted have changed some, cooled others and made *all* ready to *compromise*. There must still be much Management to get the business closed. The Leaders of the Opposition and ourselves on Yesterday came to a confidential Understanding to the effect I have stated above. The only difficulty now, is to get a Bill passed to carry this Understanding into effect. We shall do better than I had any hope for, when I first came here. Indeed Our Friends all despaired.

I send you the Memorial and Argument. The Business has kept me from my Concerns and will keep me more than a Month. I am almost distracted about my detention here; for I have yet 5 or 600 Miles to ride before I set off home.

I expect I shall compromise the Law Suit with Judge Overton for 12500 Acres, each Party paying half Costs. *Keep this to Yourself* for Reasons I can explain.

I can say Nothing more about my Affairs than what I wrote to You last. I have had no Opportunity of paying the least Attention to them for nearly two Weeks. If my Wife's Health permit, I must return here in the Winter. I can by proper diligence make enough here Out of my lands, to pay my Debts and make me easy during life. But I can't stay long enough now. It is out of the Question. It would kill my Wife and run me crazy. I will however do all I can before my Return. People think, I expect, that I don't intend to return. Keep down this impression.

The People, the Bar and the General Assembly have treated me with great Politeness. I have every Reason to be satisfied upon *that Score*. Remember me Affectionately to all your and Mr. Kirkland's Family, and my Friends in Hillsboro'. Farewell.

Yours. Affectionately.

A. D. MURPHEY.

Thomas Ruffin Esqr.

6th. Augt. 1822.

The Mail goes out in the Morning. I have compromised Our Law Suit at 12500 Acres, if I can get in the Titles. I am now engaged in it, and have hired a Man to assist me. (Say Nothing about it).

The business of the Trustees has kept me here Untill I am out of all Patience. If it be not closed in a few days, I must give it up. I think it is in a fair way of being finally adjusted. We shall have (after satisfying adverse Claims) About 100.000 Acres. Contingent Charges must be paid out of these. We shall give Retaining Fees to four of the Lawyers of Nashville. It will be necesary to present an imposing Front to those who bring forward adverse Claims.

Every thing here is done by Management. There is a Bill before the Assembly to appoint Commissioners to treat with us and settle the Controversy. No one unacquainted with these People would conjecture that the Treaty is already made and the Commissioners (to be appointed) Parties to it. I dislike these small Legislatures. Intrigue and Bargaining (they call it Log-Rolling here) are at the Bottom of every thing. We have done the best we could—better than anyone expected two Weeks ago. The Lands saved to the University are worth *now* (as Mr. Dickens thinks) $200.000.

I must at all events start back by the 28th. Inst. One half of my business is not done. But I can't do much more before the Winter, When the Hatchie Lands are to be divided.

Yours. A. D. M.

[Address: Hillsborough.]

To Thomas Ruffin. RUFFIN MSS.

NASHVILLE. 18th. August 1822.

Dear Ruffin.

The Bill has passed to carry into effect the Arrangement I informed you had been made relative to the Business of the Trustees. Mr. Grundy,[1] Genl. Bryant and myself, came to an Understanding as to all main Points. Our Plan was to get Commissioners appointed to sign an Agreement with Genl. Bryant on these Points. Judge Tremble and Jenkin Whitesides were named by Grundy as Commissioners, and I was re-

[1]Felix Grundy (1777-1840), a distinguished orator, criminal lawyer and ex-Congressman, at this time in the Tennessee legislature, afterward U. S. senator and attorney-general.

quested by him to wait on Whiteside (who was in Murfreesboro', attending as Counsel of Genl. Williams) and settle the Particulars. I did so, and drew up the Outlines of the Agreement which he acceded to, and Grundy undertook to *vouch* for Tremble. The Governor[1] being necessarily let into the Secret, agreed to appoint Whitesides and Tremble as Commissioners. All this being done, I drew a Bill to suit our Views and Grundy, after a long and animated Speech in the Committee, in which he opposed the Claim of the Trustees upon all the Grounds taken by them, and artfully insinuated that they could not stand the test of legal investigation, drew out of his Pocket the Bill I had prepared (and which he had copied) and moved that the Committee recommend the Passage of it. The Bill directed the Governor to appoint two Men of legal Skill to investigate the Claims of the Trustees, and to enter into an Agreement, if they approved of the Claims, with the Agent of the Trustees as to the Manner and to *whom* Grants should be issued on the Warrants, and also for exempting the Lands of the Trustees from Taxation. Grundy told the Committee (and one half of the Genl. Assembly was present) if the Claims were rejected, it was due to the Character of Tenessee to have the Memorial and the Argument in support of it, answered by Men of legal Knowledge, who could take time to do it ably. All this took well with the Enemies of our Claim; the difficulty was with our Friends, to none of whom were we at liberty to communicate what was to be done. Genl. Bryant played his Part with infinite Adroitness: He affected at first to take Alarm; had the Bill read over and over—gradually came into the Measure: it would hasten his Return etc. We then begged our Friends to assist in geting it passed, and boldly told them we courted a legal investigation. The Bill passed; the Governor commissioned Tremble and Whiteside, and We have come here to draw up the Agreement in Form. Whiteside is engaged and we shall not be able to leave here before the 22d. Inst. Now, Sir, this is all confidential to You and the Members of the Committee. It is, upon no Account, to be made public. We have pledged Ourselves to Mr. Grundy upon this Point. His Character and that

[1]William Carroll.

of the Governor would suffer by it. Not one of the Members of the Assembly, except Mr. Grundy, knew any thing about the business, except what appeared on Paper. Mr. Grundy explained to me very candidly his Object: it was to provide for the Colledges here, and the Lands we give are to go to these Colledges, but the Assembly knew nothing of it. We also shall provide for *other* Warrants yet to be issued. We agree to give *one half* of them.

Thus have we got along: And in no other way could we have succeeded. We had a Majority of Friends at last in the Senate; but a dead Majority against us in the other House. The Fortune of the University is made. It is rich, perhaps, too rich. In ten Years, her Lands will bring more than $600.000. They would bring *this day* in *Cash* $200.000, Altho' half of the Warrants are not yet located.

The Genl. deserves the thanks of the Trustees and 10.000 Acres of Warrants. He has been a faithful Agent. The Committee must assign me at least 5.000 Acres. Warrants for that Number can be had here for $6.00;[1] and that Sum in *Cash* would not reimburse my Loss, for I shall loose nearly all of the Fall Circuit, and that amounts to a Loss of one half of the Profits of the Spring Circuit. I have lost four Weeks already about this business to the Neglect of my own, and shall be delayed in Consequence of it, a long time. We have a great deal yet to do. Among other things, Lawyers to retain. The Stage is starting. I will write again in a day or two.

Yours. Affecy.

Thomas Ruffin esqr. A. D. MURPHEY.

[Address: Hillsborough.]

To Treasurer John Haywood. UNIV.

NASHVILLE. 18th. August 1822.

Dear Sir.

The business of the Trustees is on the Point of being finally settled, and in a way more advantageous to the University than

[1] 6,000.

its friends had even hoped for. Genl. Bryan and Col. Henderson will set out in a few days for North Carolina and will take out for the ratification of the Trustees in solemn form, the agreement which will be entered into upon this Subject. I am now engaged in drawing this agreement; its details and other matters connected with it will occupy two or three days. Every thing of importance is here carried by management, when public Feeling or Opinion is against it, but never have the People been more deceived than in the business of the Trustees. We have carried our Point against a dead Majority in one branch of the Legislature, against the Weight of all the Presses in this place and in Knoxville, and against a popular Feeling that several of our Friends in the General Assembly were afraid to disregard—: and We have carried it by the very Man who first stirred up the Assembly against us. There is a secret History of this transaction which the Public are never to know. Genl. Bryan and myself stand pledged upon the Point. It is to be known only to those for whom we act. There is too much Detail to it to comprise it in a Letter, but you may easily fill up by Conjecture, what I shall omit. The Instructions of the Board not to tempt or offer to tempt the avarice of any Member, have been adhered to: Nothing dishonourable has been hinted at on either Side: a fair, plain, intelligible Bargain has been made and then an Act of Assembly passed to carry it into effect.

Upon my arrival here, Genl. Bryan was out of town. I stayed a day to see him, and during the day drew the Memorial which you have seen in the public papers. I had examined the Subject in Hillsboro, and drawn up the Outlines of the Memorial before I left Home. The Genl. returned to town in the evening and before I set out next morning for the Western District; we had much Conversation, in which he informed me of the State of public Opinion. He had been watching the movements of a few Individuals, and particularly of Mr. Grundy, to find out, if possible, what his Views and Wishes were. Nothing explicit could be got from him. McLemore said he only wished a division of the Warrants between Tennessee and the Trustees, he believed. How could we propose

it? It would look like an Offer to tamper with the Morality of the Legislature. To pave the way, however, the Memorial contained an Offer to give *a fair equivalent* to Tennessee for an exemption from Taxation. This was a legitimate Proposition, to which no offence could be taken, and yet we expected it would be understood as opening the Door for *a Compromise.* Genl. Bryan shewed the Memorial to a few Gentlemen of the Bar, who pronounced the Argument in it unanswerable. Some were engaged to go up to Murfreesborough to *talk* and support the Argument.

I returned from the Western District a few days before the General Assembly met. Genl. Bryan went up to Murfreesboro' at the opening of the Session and presented the Memorial. The Papers immediately took it up and one of them here (The Constitutional Advocate edited by Philip Darly, a Lawyer) took a bold stand and seemed to defy the Legislature in taking even decent Notice of the Memorial. The Editor is a Lawyer of Sagacity, but of little Principle, as report says: He is skilled in the Tricks of Trade, and understood *in extenso* what we meant by offering *"a fair equivalent."* He denounced the Memorial in the severest Terms and argued his side of the Question with Ability. He has been a notorious Speculator in *old* claims. Our Friends were instructed to say that this Editor wished to get this business into confusion, that he might speculate to the more advantage. This did us more Service than an Attempt to answer his Argument. The Common Members did not understand the Argument on either Side; they believed the Lands belonged to Tennessee; and when informed of their Mistake, they said Congress would soon give them the Lands. Some of the public Papers countenanced these Opinions, and leading Opponents to the Claims of the Trustees continually harped upon these Points, and upon the danger of any Corporation having such great Wealth.

I went up to Murfreesboro a few days after the Assembly met. The Memorial had been presented, and I ascertained all the Objections that I could hear Urged to Our Claims. It was then that I was introduced to Mr. Grundy, who treated me with uncommon politeness, had me admitted within the Bar of the

House,[1] and took Occasion to say something handsome about me. All this I thought augured pretty well. Genl. Bryan, myself and Col. Henderson, held frequent Conferences, in which we communicated to each other the information we respectively received. The Committee had not yet met. It was thought advisable to submit an Argument in Support of the Memorial, and notice in it the Objections which were urged to our claim. Genl. Bryan gave Notice upon the first Meeting of the Committee, that such an Argument would be submitted. They adjourned to another day to receive it. The Argument with the Act of Cession, and the Compact between the United States, Tennessee and North Carolina, were submitted at the next Meeting of the Committee. We were all yet groping along in the dark, and determined to have the Argument with the Documents, printed, and see what effect they would produce. Mr. Grundy moved that the Committee rise and report the Argument with the Documents accompanying it, to the House, and let the Subject be then duly considered, before any specific Course should be recommended. This was agreed to. I thought I discovered an evident unwillingness in him to press *a rejection* to our claims. Genl. Bryan and Col. Henderson were of the same Opinion. We thought right. After geting pretty well acquainted with him, I resolved to hold a free and confidential conversation with him, state our Views and ask his. He invited me to his room, and in less than an hour the whole business was arranged, and nothing has been done since but to get an act passed to give effect to this arrangement.

We waited on Genl. Bryan, and Mr. Grundy spoke to him fully and confidentially. He said many of the Cases had occurred since 1789, when the Trustees could not pretend to set up a claim; that there were Lands enough to make our University rich and aid the Colledges of Tennessee; that these Colledges were languishing from the Want of Funds; and he wished some of the Warrants to be transferred to them. He said there was no chance of our Success in the General Assembly; and expressed a doubt whether we could succeed, even if he should come over and support us. But he said the Business

[1] Murphey was heard at the bar of the legislature on two successive days.

could be managed; and if we would agree to the Arrangement, he would undertake to carry it through. We were however to stand pledged not to make known what had been agreed to.

He shewed me the Project of a Bill, which he had before the Assembly at their last Session. It proposed the appointment of Commissioners to investigate our Claims and confer and treat with the Trustees respecting them. He requested me to consult with Genl. Bryan and to consider whether the safest plan would not be to offer another Bill to appoint two Commissioners to treat on the Subject. I told him the plan would do admirably, if Commissioners could be selected who would enter into our Views and give effect to the proposed arrangement. He named Judge Trimble, and said he would undertake to vouch for him. (Trimble is his Partner in the Law). We walked together to Genl. Bryan's room: the Genl. approved of the Plan, but urged the propriety of having a distinct Understanding upon all Points, before a Bill should be introduced. Mr. Grundy then named Mr. Jenkin Whitside as a Commissioner; He was in Town, and Mr. Grundy waited on him, and having informed him of the Plan we had in Contemplation, Mr. Whitside agreed to serve as a Commissioner, and to come to an Understanding in writing upon the several Points. Two difficulties yet remained; one was to get Trimble and Whitside appointed Commissioners; the Other to get a Bill passed authorizing their appointment.

Governor Carroll had held frequent Conversations with Genl. Bryan on the Subject of our Claims, and he felt much anxiety lest the Legislature should take some step that would commit the Character of the State. He believed the Prayer of the Memorial, if directly put to the Assembly, would be rejected: and he readily entered into a Plan which ensured an honourable Adjustment of the Controversy. Mr. Grundy waited on him and told him all that had passed. He assured Grundy, if a Bill could be passed authorising him to appoint Commissioners, that he would appoint Messrs. Trimble and Whitside.

Mr. Grundy then requested me to draw a Bill, and a day was fixed for Mr. Whitside and myself to settle its form, and to draw up the Substance of an Agreement which was to be entered into after the Bill passed. All this being done, and

Genl. Bryan in the mean time having dextrously gained over several Members, the Committee (the Chairman of which was out of town and was waiting for the printing of the Argument and Documents, before he made his report) were summoned together my Mr. Grundy, and *sounded* as to the Course he intended to take. He found that it was well received, and moved an adjournment for three or four days, for the Coming in of the Chairman, *ostensibly;* but *really* for the purpose of making all believe, his Course was to be taken with great deliberation.

The appointed day, the Committee met, and over half of the Assembly were present. Mr. Grundy rose and delivered (as he had apprised Us he would) a long and animated Discourse against Our Claims; insinuated that they could not stand the Test of legal investigation; but that a Memorial and Argument had been submitted to the public in Support of these Claims, which if unsound in their Premises or reasoning, the Character of Tennessee was concerned in having properly answered: that the duties of the Lawyers in the Assembly were so arduous, none of them could either get time or Opportunity to prepare such an answer, if it became necessary: that if our Claims were well founded, We could not be unwilling to have them investigated by Men of great Legal Learning: He therefore hoped the Committee would recommend to the House to pass an Act directing the Governor to appoint two Gentlemen of the highest legal Standing to investigate our Claims, and if upon such examination, they should think the Claims ought to be allowed, that they should be authorised to treat with the Agent of the Trustees and enter into such agreement respecting the Warrants and exempting our lands from Taxes, as Might be thought proper. He then drew out the Bill which had been prepared and offered it for Consideration. It was agreed to, and reported to the House—and has passed into a Law. From the Time the Plan was arranged with Mr. Grundy, it was understood by us that neither Genl. Bryan nor myself should be in private with him more than Circumstances might render necessary.[1]

[1]In the margin Murphey wrote: "Mr. Grundy is no very great Lawyer: he does not make high pretensions in that way. He is a

The Genl. acted his Part with infinite Adroitness. He and myself were invited to take Seats with the Committee. When Mr. Grundy offered the Bill, the Genl. seemed to be a Stranger to it, had it read over and over, objected to the Course it proposed; but gradually gave up his Objections, saying We challenged a legal investigation of our Claims, and the Course proposed would probably expedite his return home. One half of the Assembly was present. Our Opponents thought they had us *safe;* Our Friends were alarmed, and to none of them could be unbosom ourselves. The Genl. was active and prevailed on them to come into the Measure proposed.

The Governor has appointed Messrs. Trimble and Whitside, Commissioners, and we have come on to this place, to wind up the business. We have been engaged a Month already, in daily attention to the Progress and Management of this Affair, a few more days will close it.

This is the Outline of What has been done; and we have succeeded better than any of our Friends here even hoped for. The Fortune of the University is made. Although one half of her Warrants are not yet located, there is no doubt but that her Lands would at *this Time,* bring $200,000, Cash. What they will bring a few years hence, when sold upon the usual Credit given by the Trustees, no one can well conjecture; but there is a great probability that they will bring more than half a Million. Their great Value is not known here, except to three or four Men. We have kept their Value and quantity out of View.

Having seen many tracts of our Land and understanding the general Subject much better than I did before I came out, I have taken the liberty to give some new instructions to our Agent Mr. Dickens: Instructions which I will lay before the Committee and I hope they will approve of them.

There is due to Genl. Bryan the Thanks of the Trustees, and ten thousand acres of Warrants, at least. He has served the Institution most ably and faithfully in this Affair, no reward

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profound Judge of Mankind, cool and dispassionate, entirely free from Malignity. In these respects, and in his Talent for Plot and Management, he resembles the Cardinal De Retz, more than any Man I ever saw."

could be too great. We shall take care to make Col. Henderson's Agents pay up as far as we can. The Col. has acted in this business with his accustomed liberality. He has promised to see his Agents upon his return and get the necessary Assignments of Warrants.

I cannot but regard this Piece of good fortune as contributing in an especial Manner to give to North Carolina a responsibility that will be gratifying to us all. What has our University done already? What will she not now be able to do? To say that We can make Our University the most respectable in the United States, is not to say too much. I hope that you and Col. Polk, who are the only surviving Fathers of this Institution, may live to see it attain the finest Character for Service and Usefullness in the Union. It will give a splendor to North Carolina, that nothing can compete with; and when I mention North Carolina, I feel once more thankful to God that I was born on her Soil. I did not know her Worth, her Intellectual Improvement, her Morality; nor did I know how much I loved her Untill I came here. I rejoice to find her Children on this side of the Mountains, cherishing the fondest affection for her. My Dear Sir, if Tennesseans love Tennessee, What North Carolinian can be so degenerate as not to love North Carolina?

I have every reason to be satisfied with the Treatment I have received here. The people, the Bar, and the General Assembly have treated me with great politeness; and my old School-Fellows, Alumni of Chapel Hill, have treated me like a Brother.

As soon as We close the business of the Trustees I shall return to the Western District upon a business of my own. It is entirely uncertain When I can get home. Genl. Bryan and Col. Henderson will give you a much more detailed Statement of our Proceedings, than I have or can do in a Letter. I hope the Committee and the Trustees generally will be satisfied with the Agreement that has been made. The Substance of it is,

1. We transfer 60,000 Acres of the Warrants *now* filed for adjudication, and agree to make good any adverse claims that are substantiated, either by conveying other Lands, or paying in money a certain stipulated price Per acre.

2. The responsibility of the Trustees for adverse claims to be limited to 7 years after the 1st. of Jany. next.

3. Grants are to be issued upon all the Warrants adjudicated, and the Warants not yet adjudicated are to ripen into Grants as soon as they can be located, and the Surveys made.

4. The Lands of the Trustees to be exempt from Taxation for 25 years.

5. What Military Warrants may be issued hereafter to the Trustees, to be equally divided between them and Tennessee.

I am, Dear Sir, Very affectionately,

Yours.

John Haywood esq.[1] A. D. MURPHEY.

To Thomas Ruffin. RUFFIN MSS.

NASHVILLE. 22d. August 1822.

Dear Ruffin.

The Business of the Trustees is closed, upon the Basis stated in my former Letter. I have given Mr. Haywood a detailed Account of our Proceedings: As it is tedious, I must refer you to *it* and not write much about the Business here. It has taken up so much of my time that I am almost out of Patience. Five Weeks have been devoted to it without any Intermission. Genl. Bryan takes in a Copy of the Agreement.[2] We have succeeded, to the Astonishment of every one here, Friend or Foe. Col. Henderson has promised to make his Agents

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[1]On the back of the letter is the following note in the handwriting of Treasurer Haywood, which was doubtless addressed to Col. William Polk:—"This Letter was handed me on Tuesday last. I was hurried at the time by the Sherriffs who were here and making payment of the Taxes. I continued busily engaged with those who have since arrived; and from those causes have omitted, until the present moment, to send the Letter for your perusal; as I intended to have done immediately after reading it. No person whatever *has seen it*, nor has any one knowledge of its contents, from me. After reading, you will put it in your Pocket, and please bring it with you to the Bank on Tuesday; when, if able, I will be there. This Letter, I hold is written in confidence.—J. H."

[2]The compact between the State of Tennessee and the Trustees of the University was signed by Whiteside, Trimble, and Bryan on Aug. 26, 1822. It may be found in the Tennessee Laws of 1822 and in Whitney's *Land Laws of Tenn.*, pp. 481-484. Bryan carried this letter,

convey me Lands for my Compensation. They may well afford it. The Trustees ought to assign to Genl. Bryan at least 10.000 Acres of Warrants. He deserves them richly.

I have continued to keep my business in Motion, by hiring several Men to ride for me and survey for me: and I have got on better than I expected. I have had 14.000 Acres of Land surveyed, and divided into small Tracts; I have compromised my Law Suit for 12.500 Acres; I have compromised Another Claim and got 7600 Acres, but charged with the Payment of about $1800. I have found out several Other Tracts of Land, which I hope to hold.

This Trip will reinstate my fortune. If I get in all the Rights of the Rices's, (and I hope to do it pretty soon) I shall have, exclusive of the Share due my Brother's estate, in Lands here, about 26.000 Acres; of which 20.000 are nearly as good as any in the Western District, most of them being first rate Hatchie Lands. But it will cost me 4 or 5000 Acres, to buy up the Claims. I have set seriously to work at it, and will not stop Untill I effect it.

Now, Sir, all these Lands. except about 15,000 Acres, have been literally raked out of the Weeds, since I came here. If I had not come, they would have been all lost. Providence seems to have favoured me in every thing I have attempted here; and if the same favour be continued a few Weeks more, I shall be once more independent. I hope Col. Henderson's Rascally Agents, who have been helped to a fortune by Genl. Bryan and myself, will help to make my fortune.

I leave here tomorrow to try to effect some Sales. All the Surveys I can wait to have made, are done, and I hope I can now sell some Lands at some Price or other. I must sacrifice it; but if half Price can be got, it goes.

Can you find a Purchaser for John Morgan's Lands near Chapell Hill? Perhaps Mr. Boylan will buy them. I can suit Morgan precisely with Lands here. Pray, get Mr. Boylan to go up and look at the Lands and let me know what he will allow for them. I can drive a Trade with Morgan, as soon as I go back, if he has not changed his Mind. If Mr. Boylan declines, perhaps you or Mr. Kirkland could drive an advantageous Trade. My Object is to pay my Debts.

It may possibly turn out, that After being bankrupt in Dec'. 1821, I may be worth, clear of Debt, $30,000. in Dec'. 1822:— I have a Confidence that Providence will so order it. If I could stay here till Xmas, I could take home Money enough to pay all my Debts. Bryan, Henderson, Dickens and McLemore have literally coined Money. They are rich. I shall scuffle hard for some of the Snacks that are not yet disposed of.

I shall loose great Part of my Circuit. Do the best for my Clients you can. I am making a better Circuit here. It is not probable I can get my Business so disposed of that I can leave here before the 15 or 18th Sep.

Tell Mr. Yarborough I have been to see Mrs. Doherty. She is in fine Health. Mrs. Bond is married to a Mr. Porter. I did not see her. Her Family are well. I fear from what I have heard, that the business of Mrs. Doherty's estate is in a bad way from Want of Attention.

Tell Dr. Webb, I have been twice at his Brother's and am now riding his Horse. His Brother is well fixed, has one of the best tracts of Land in Tenessee, and is growing rich *fast*. He has treated me like a Brother. So has Col. Frank Burton.

Tell Mr. Clancy for me, God bless him! I will reward his Goodness ten fold, if I live. Tell Anne, your Children, Mr. Kirkland and family, *How de!*

Yours. Affecly.

Thomas Ruffin esqr. A. D. MURPHEY.

[Address: Hillsborough.]

To Thomas Ruffin. RUFFIN MSS.

NASHVILLE. 29th. Sep: 1822.

Dear Ruffin.

I have just reached this place from the Western District. I found it necessary to get in all the Claims of the Rice Family; and I have succeeded except as to one Brother and one Sister. I shall start in a few Hours to see them, and when I return to this place, (which will be ten days) I shall set off home. Providence still smiles on my efforts here: and I have to thank God,

not only for the good fortune that has been thrown in my way, and for uniform good Health, but also for the kind and polite Regards with which I have been treated in this State, from the Governor down. I am as well known here, nearly, as in North Carolina.

I hope to get back in time for Rockingham and Caswell Courts. I write this, merely to let you know when you may expect me. Yours. Affecy.

A. D. MURPHEY.

Thos. Ruffin esqr.

[Address: Hillsborough.]

To Thomas Ruffin. RUFFIN MSS.

NASHVILLE. 14th. October 1822.

Dear Ruffin/.

Your affectionate Letter came safely to hand and I thank you for the Spirit it breathes. It has elevated my Spirits and prompted me on to new exertions. I shall follow your Advice and stay here as long as my business requires. But I hope to close it in a few Weeks. I am nearly worn out with fatigue. Since I wrote to you last, I have been to Alabama to see Stephen Debow and Joel Rice. I leave here in a few hours for Carthage, where I hope to sell a Tract of Land. Purchasers begin to come in and I have Hopes of making some Sales. I will get all the Money I can and share it with You.

* * * * * * * * * * * * *

If I can sell my Lands for half Price, I can pay my Debts, buy the Hermitage and be independent. My Trip to this State has surprised even Myself. All the Rice Lands, except those conveyed to my Brother would have been clearly lost, if I had not come out. I have made something for all the Rice Family, and, I hope, a fortune for Myself, out of these and other Lands.

* * * * * * * * * * * * *

I am glad the People of Orange entertain no ungenerous thoughts about my Return: and I feel thankful for the interest

they take in my Welfare. Put a good face upon things, and request such of my Friends as you can confide in, to do the same. If my Creditors knew how I had laboured for their Relief, they would be satisfied, I am convinced.

* * * * * * * * * * * * *

[Address: Hillsborough.]

To. Colonel William Polk. M. MSS.

NASHVILLE. 14th. October 1822.

Dear Col.

I have been detained in this State much longer than I expected, when I left Home, and it is possible, I may be detained untill the Begining of December. * * *

Mr. Whitesides has left no Man here to supply his place. He towered above all the Bar, and none claimed any thing like equality with him. You have suffered a great Loss in his death, and you will not find in Tenessee a Man who can serve you as he could. Mr. Balch is active, and I think, as good a Lawyer as any of those Remaining. He says, he shall gain your Cause, and if he does not, he will charge no fee. He seems confident of Success.

* * * * * * * * * * * * *

There are various feelings about the Arrangement which has been made. Some are contented, and others much exasperated. Our Agents promise to be industrious, and to get Grants on all the Warrants before the next Meeting of the Legislature.

I hope to see you at Raleigh in Decr.

Dear Col,

Yours. Very Affecy.

Col. William Polk. A. D. MURPHEY.

[Address: Raleigh.]

To Treasurer John Haywood. UNIV.

Dear Sir. NASHVILLE. 26th. October 1822.

Since the Arrangement was made with the Commissioners of this State, and it has been generally known that this State is to perfect Titles Upon the Military Warrants issued to the Trustees of the University, Associations of Speculators have been formed and are still forming, whose Object is to hunt up Affidavits and to procure Transfers from such Soldiers and Officers as are alive, and from the Heirs of those who are dead. Several unprincipled Men have entered upon this business, and the most fraudulent Acts will be resorted to for the purpose of favoring the Views of those engaged in this shameful Undertaking. We may soon look out for numerous applications from these Speculators, and I wish to apprise the Committee of what is going on here, that a flat refusal may be given to every application that is made. There is but one safe Course for us to pursue, and that is to *admit no claim,* Untill we have sent an Agent of Skill to examine its Merits, and to hold fast in every case where the evidence is at all doubtful. Various interrogations have been put to me as to the Course the Trustees intended to take: To all I have answered that they would spare neither expense nor Trouble to do Justice to an honest Claimant, and to defeat the attempts of the dishonest: That We should diligently examine every Case that was presented, and if we found the Claim to be fair, admit it; if otherwise, or even doubtful, we should reject it; that We were aware of the improper Attempts which would be made, and had resolved to resist them to the Utmost; that therefore we should go through a Course of Law with anyone, whose Claim we did not believe to be entirely fair; that We had as much Money to defend Law Suits, as Speculators could find to cary them on; and they must expect no yielding on our Side.

It will be better for us to defend fifty Suits, than to give up half a dozen Claims. We must yield nothing, and let them distinctly understand that we bid them Defiance.[1]

There are, beyond all doubt, many Cases, where Warrants

[1] "Lock up the evidence upon which the Military Warrants have issued to the Trustees—it is all important to keep it from View. Urge

have issued to the Trustees, and the Soldier or his Heirs are still alive. Mr. Alfred Slade,[1] who is here, tells me he knows of several such Cases. We ought to employ an Agent without delay to search out these Cases, and procure Conveyances—place in his hands Money and keep him at work diligently, Until he gets a Conveyance. We shall save tens of thousands by such a Step. And no time ought to be lost. I would recommend Mr. Slade to be employed at almost any Salary, if he will undertake the Service. He understands the business and will be industrious. Col. Henderson has such a large Number of Warrants, that he could probably unite with the Committee in the employment of an Agent.

I will send in by Mr. Slade a List of all your Warrants: as well those already located as those yet in the Wheel.[2]

* * * * * * * * * * * * *

I fear I shall not get home untill late in December. The Winter is coming on and the bad Weather will delay me.

Remember the Cases on which Warrants have not been issued. The Committee can probably get a resolution adopted by the General Assembly, authorizing and directing the Secretary to issue Military Warrants to the Trustees on the 142 Cases, yet remaining on the Muster Roll. Let it be tried, by all Means.

The enclosed is a pretty fair estimate of the Value of our Lands in this State.[3] Yours Very Sincerely.

A. D. MURPHEY.

John Haywood esq.

Mr. Hill [secretary of state] not to shew it. He will give some Offence but let him take responsibility. Men will apply constantly." —Marginal note.

[1]Alfred M. Slade, of Martin County, a student at the University of N. C. in 1815.

[2]At the late session of the Tennessee legislature an act was passed which revived the board for the adjudication of North Carolina land warrants and directed that a drawing for priority of location should commence on the first Monday in November, 1822. It was also provided that the commissioners should receive no claims for adjudication after Oct. 1, 1822, and no evidence in support of claims after Oct. 15th. The University's warrants not adjudicated in 1820 fell within the operation of this statute; they were not exempted from adjudication by the compact with Tennessee.—Laws of Tenn., 1822, chaps. 2, 28.

[3]"Neither the quantity nor Value of Our Lands here ought to be publicly known; for reasons that are obvious. I have charged our agents here to give no information on these Points."—Marginal note.

To Captain Herndon Haralson. M. MSS.

NASHVILLE. 1st Nov: 1822.

Dear Sir/.

The late Accounts which I have Received from North Carolina of the general Sickness and universal Scarcity that prevail, added to the advanced State of the Season and to the impossibility of finishing my business this Year, have induced me to avail myself of the Opportunity which offers of having good Company all the way to Salisbury, and I shall set out in a few days. I am broken down with fatigue and really unfit to stay longer.

* * * * * * * * * * * * *

I have done an infinity of business since I came to this State. Such Variety and Complication of Objects, have almost distracted my Mind, and I really am unfit to do any thing more, Untill I can take some Rest.

I have laboured without Ceasing to sell Lands, and laboured in vain. I can scarcely make out to square my Accounts.

If I live, I shall be out again next Summer. In the meantime I will exert Myself in North Carolina to sell some Lands and Raise Money. If I could sell, I could soon pay every Cent I owe, and be easy in life, Unless the Trustees should treat me shabbily. I will when I get home and get a little Rest, write to you fully about my business, and give you some instructions about my Lands.

* * * * * * * * * * * * *

[Address: Near Jackson, Tenn.]

From Judge John Haywood. M. MSS.

[NEAR NASHVILLE.]

Dr Sir,

He who has done ninety nine good deeds, especially of patriotism, must do the hundredth. I want your assistance. First,

[1]John Haywood (1762-1826), a native of Halifax County, cousin of Treasurer Haywood, was first solicitor-general of North Carolina.

the contents of all letters sent from this country to the governors of N. Carolina, from 1776 to 1789, which disclose facts that ought to be stated in a history of Tennessee; also a copy of the treaty made at the Long Island of Holston in 1776 with the Indians, or in 1777. The date also of each session of the legislature of the Franklin government, the place, and the speakers; the titles of their laws, and shortly, the contents of their tax laws, salary laws, and fee laws; and the contents of any other law which deserves to be particularly noticed. Is the latitude of the N. Carolina line at the point where it crossed Black river in 1728, precisely now as it was then? and what is the present variation of the compass there? Also all the natural and aboriginal phenomena which you have noticed. In Surrey county, James Martin esq. used to make lime and sell it. Was it made of limestone rock, or shells found there? and pray give an exact description of whichever it was. At the Saura Town mountains are the remains of extinguished volcanoes; give, you please, an exact description of them.

Farewell!

2d Nov. 1822. J HAYWOOD

[Address: Alamance Creek, Orange County.]

To Treasurer John Haywood. UNIV.

AT PERKIN'S. SURRY COUNTY. 20th. Nov: 1822.

Dear Sir.

Mr. Slade will call on you whilst he is in Raleigh, and inform you, if he has an Opportunity, of several Things which have Occurred since I wrote to you last. In my last letter I ap-

1790-1791, attorney-general, 1791-1794, and judge of the Superior Courts, 1794-1800, when he resigned to defend the secretary of state, Glasgow, indicted for frauds in connection with public lands. About 1808 he removed to Tennessee, and was a judge of the highest court of that state from 1816 until his death. He was one of the most profound jurists in the country. He compiled several volumes of law reports and statutes, and was author of *The Christian Advocate* (1819), *The Natural and Aboriginal History of Tenn.* (1823), and *The Civil and Political History of Tenn.* (1823).—Ashe, ed., *Biog. Hist. N. C.*, VI. 274-281. See vol. II. p. 351; Sketch by A. S. Colyar, prefixed to edition of 1891 of Haywood's *Civil and Political History of Tenn.*

prised you of several Associations which were forming in Tennessee, to purchase up Claims adverse to the Claims of the Trustees. Providence seems to have thrown various Obstacles in the Way of our Departure from Nashville, On Purpose to delay it Untill the Drawing of the Lottery, and to discover to us not only the extent, but the character of the Speculation that was in Progress; and to make this Discovery in time to give the necessary instructions to avert, if not entirely defeat, the Object of a great Part of this Speculation. Being much fatigued and having neither pen, Ink or Paper, suitable for writing at large, I cannot now go into much Detail. Mr. Slade will supply what I shall omit.

I called at the Office and requested a Copy to be made out from the Book, of a List of *all* the Warrants which had been adjudicated to the Trustees; as well those which had been located, as those which were in the Wheel. This Copy was not received Untill the day before We left Nashville, which was the second day of the Drawing of the Lottery now just over. I was much surprised, upon receiving it, to notice the small Number of Warrants which were in the Wheel, adjudicated to the Trustees. There did not appear to be scarcely one half of the Number, which Genl. Bryan informed me he had filed. I inquired the Cause, and was answered that the Clerk who had copied the List, had been in a frolick for several days, and he had probably not copied the List correctly. On the next day, the Drawing of the Lottery was closed, and being anxious to see the fortune of the University in the Lottery, Mr. Slade and myself got (by mere Accident) the Book of the Commissioners, and sat up nearly all Night to examine it. We then discovered that *every* Warrant contained in the Copy which had been furnished to me, was found in the Book of the Commissioners, standing in the Name of the Trustees, and *not one more*. What had become of the Other Warrants, We could not tell. There was a Mystery attending the Warrants which we could not unveil. We retired to bed, and the Subject still continuing to engross my Attention, I remembered a Circumstance which Judge Trimble had mentioned to me a few days before, and which seemed instantly to give the Clue for understanding the whole business. Being in Consultation with him on the Business of

the Trustees, he told me he had just been informed that the Board of Commissioners had adjudicated one of our Warrants to a Man who had filed some Affidavits in support of his claim: that he was surprised at such a Proceeding, as the Commissioners had no such Power, and had given no Notice either to him or myself, Or to Mr. Balch, of their intention to Notice adverse claims: that if such Notice had been given, he could have convinced them in a few Minutes that they had no such Power. I enquired whether any other case had Occurred, in which they had undertaken to adjudicate away our Warrants. I could not learn that there was any. But when I found that one half of our Warrants were not to be found, and being unable to discover what had become of them, It struck me that the Commissioners had probably undertaken to adjudicate them away to other Persons. I mentioned my Suspicions to Mr. Dickens, who confirmed them by various Circumstances which had come to his knowledge, but the Bearing of which he did not before understand. Mr. Slade came in, and We having mentioned to him our Suspicions, he immediately disclosed various other Circumstances in Confirmation of our Suspicions. This was on the Morning of the day that We had fixed on for leaving Nashville. We immediately made further Search, and soon found our Suspicions to be well founded. Divers Speculators had procured *ex parte* Affidavits, and filed them with the Commissioners and upon these Affidavits Our Warrants were adjudged to Other Persons. I had been in Nashville for nearly a Month; almost daily in the Office, and in some way or other *there* doing business for the Trustees. It was known to the Commissioners, *Who* were our Lawyers, and they lived in the Town. Yet No Notice was given to them or to Me, of what was going on. I thought it prudent to make no Noise about the Discovery we had made, and therefore said Nothing about it to any one, but Mr. Dickens, Mr. Slade, Judge Trimble and Mr. Balch. I waited on the two last named Gentlemen, who were retained as our Counsel, and unfolded the whole affair; And requested them to take the earliest Opportunity to get Copies of *all* the Affidavits which had been laid before the Board: I further requested them

1. To get a correct List of all the Warrants filed by Genl. Bryan for the Trustees.

2. To get a List of all those which had been adjudged to other Persons with the evidence upon which the adjudication had been made.

3. To make diligent Search into the whole business; and if the Interest of the University required that *immediate* attention be given to it, to hire an *express,* to bring the Papers to North Carolina, with their instructions as to the Course which we should pursue—and if our Interest would not suffer by the delay, at all events to send in the Papers by Mr. Howard, whom Mr. Dickens intended to dispatch with our Grants, Plats of Survey etc., about Xmas.

I then addressed a Circular to our Locators, instructing them not to deliver any one of our Warrants to a Surveyor, Untill he gave bond with Security to return the Warrant to him the Locator; and I further instructed and directed each of them *not to file the Warrants and Plats and Certificates of Survey,* in the registers Office, but to hold them Untill further Orders. We suspected (and there is no doubt of the Correctness of our Suspicion) that the Men engaged in the Speculation intended to have the Surveys made as soon as possible and then apply for Grants; and to get the register to issue the Grants to the Persons to whom the Commissioners had adjudicated the Warrants. And We had every reason to fear this Plan would succeed, if the Warrants with the Plats and Certificates of Survey, should get into the register's Office. These Fears induced me to give the before mentioned Instructions to the Locators.

This Scheme of iniquitous Speculation was set on foot by Men who had not been acquainted with *the Terms* of the Act of the Assembly, which led to the Commission between Tennessee and the Trustees. That Act directed that the Commissioners to be appointed by the Governor to treat with the Trustees, should direct *"to Whom Grants should issue* upon the Warrants held by the Trustees." These Commissioners had directed *the register* to issue Grants *"to the Trustees, or their Assigns."* The register therefore could not *rightfully* issue Grants to *any one else:* and the whole Scheme would be defeated by holding up the Warrants, Untill the Trustees them-

selves could apply. Of this fact, they are all yet ignorant; and they are no doubt, in full expectation of geting their Grants, as soon as the Surveys can be made. I have many reasons to fear that Men are engaged in this business whose Official Stations should forbid it. But I am in possession of no facts to authorise a positive assertion—and it would be improper to place on paper some things of which We are *morally* certain. We are in no danger, if proper attention be given; but without such attention, We shall loose one half of our late Warrants.

This Letter is entirely confidential to *the Members of the Committee*, and to them only. It is important that *not one* of the Trustees or any other Person, except themselves, should know anything I have written. I shall be in Raleigh early in Dec. when I can give you and the Other Members of the Committee, more particular information; most of which you will get from Mr. Slade, if an Opportunity offers.

With great regard,

Your Obt. Sert.

Jno. Haywood esq A. D. MURPHEY.

To General Joseph Graham.[1]

HILLSBORO', Nov. 27, 1822.

Dear Sir:

I received on yesterday your kind letter of the 10th Oct. last. It had lain in the Post Office here for some time. I returned from Tennessee on Friday last, and on Monday came to this place to attend our Courts.

* * * * * * * * * * * * *

I shall in a few weeks resume the work which I have at heart, *Compiling the History of North Carolina.* I have collected a considerable mass of materials for several periods of this history, and in doing this have been kindly aided by a few of the

[1]From the *North-Carolina University Magazine*, III. (1854) 448-449. Copied in *State Records of N. C.*, XIX. 978-979; Graham, *Gen. Joseph Graham and his Revolutionary Papers*, p. 201.

officers and soldiers of the North Carolina line, but by none so liberally as yourself. I am glad, you are disposed to aid me still more, and beg you to commence your work as soon as your convenience will admit. Col. Polk of Raleigh, is engaged in such a work, and to refresh his memory, I submitted to him before I went to Tennessee, and left with him until my return, your manuscripts. Maj. Donoho, of Caswell, wishes to read them, and I have promised him to go to his house and spend a week or ten days with him, and get all the information his memory can supply.

The work which I wish to publish, it is my ambition to prepare in a style worthy of its subject; it will embrace views of the climate, soil, geology, mineralogy, moral and political character, state of society, of literature, etc. of North Carolina. Time will be required to prepare such a work; but if a few others felt the same zeal that you feel, and were as much disposed to lend their aid, the work would progress fast.

It will give me great pleasure to hear from you frequently. Direct your letters to *Haw River Post Office, Orange County.*

With great regard,

I am, dear sir,

Your obed't serv't.

A. D. MURPHEY.

Gen. Jos. Graham.

To Treasurer John Haywood. UNIV.

RALEIGH. 13th. Dec: 1822.

Dear Sir.

The respect which I owe to my own character forbids my acceptance of the Compensation[1] tendered to me by the Trustees for my late Services in Tennessee. As the University of North Carolina cannot in future have any claim upon my Services, I

[1]$1,000 in cash and a military land warrant for 640 acres. The same compensation was voted by the Trustees to Bryan.

herewith send my resignation as a Trustee of that Institution, which I beg you to hand to his Excellency, the Governor, to be by him communicated to the General Assembly.

With much respect,

Your Obt. Sert.

A. D. MURPHEY.

John Haywood esq. chairman
of the Committee of the Trustees etc.
on Western Lands etc.

To Governor Holmes. UNIV.

(Enclosed in the foregoing letter.)

To his Excellency,
Gabriel Holmes esq. Governor of the State of North Carolina.
Sir.

I hereby resign my appointment as a Trustee of the University of North Carolina.

With respects,

Your Obt. Sert.

13th. Dec. 1822. A. D. MURPHEY.

To John Haywood. UNIV.

RALEIGH. 15th. Dec: 1822.

Dear Sir.

The Papers[1] which will be handed to you by Mr. Cameron are not drawn up from the Feelings of the Moment. They are the result of Deliberation. I am no Stranger to the fact that a leading member of the Committee proposed to give Mr. Gaston $5,000 to go to Tennessee and argue the Case of the University before the Legislature of that State. In my Situation that Sum in Money would afford me much more relief than the Lands I proposed to take. After Genl. Bryan and myself

[1]The two next preceding letters.

have not only argued the Case, but carried it through and made the University rich, We are tendered a Sum that will cover in my Case (but probably not in his) my expenses, and a trifle more. This is making a difference between the *same Services,* when rendered by *different Men,* that I do not intend by any Act of mine ever to countenance. I know it is the Fashion of the World, to reward for the same Act, one class of Men with Pounds and another with pence; but poor as I am, my Necessities shall never induce me to underate the Value of my Services to the University, whilst I was in Tennessee. Whilst that Institution was poor, I served it, and served it faithfully, for Nothing; and I would now ask Nothing, if I did not know the liberal Compensation which it was ever in Contemplation to give to a Gentleman of high Standing, for the Services which I have rendered. I did not intend when I went to Tennessee, to make any Charge: I there learned what had been proposed here, and I determined to accept of Nothing less, if I accepted of anything.

For your friendly feelings and Conduct in this Affair, I feel more affectionate Gratitude than I can express. We have been long associated in sustaining and promoting an Institution that you, in part, founded. My affection for this Institution is not diminished, but my relations with it are at an end. If I had served myself in this business, whilst in Tennessee, with half the Zeal I have served the Trustees, I would not now be under the Necessity, either of asking or refusing Favours. The respect, reverence, and Devotion of this World, is to *Wealth.* Virtuous and honourable exertions are but poor things when compared with it. I will enter upon a new Career and acquire Consequence by geting rich. The road is now open to me, and I trust I shall not be wanting in Industry to pursue it.

I pray God, in all things, to prosper the Wishes of your benevolent Heart. Your Affectionate Friend.

A. D. MURPHEY.

John Haywood esq.

This Letter is not confidential—you are at liberty to show it to anyone you please. A. D. M.[1]

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[1]This postscript is on a separate sheet, which is pinned to the letter.

To John P. Carter.[1]

Mr. Carter.

I have about 25.000 Acres on the Hatchie River and on the Mississippi below the Mouth of Hatchie, for most of which I should be glad to get good Tenants. I will give Leases in Writing for five Years, free of Rent, the Tenant agreeing to build a hewed log House having 2 Rooms and a Passage; (It is literally a double Cabin, with a Passage between)—a Kitchen 16 by 18 feet, a Smoke House, a Corn Crib and a Barn. All these are built out of the Logs cut near to the Spot and are put up without trouble—covered with Boards. The Buildings cost very little trouble, and are only such as the Tenant will want for his own Convenience. He may clear land According to Circumstances: if he has a force, he may take a larger Quantity in his lease and clear more: if he be weak handed, he may take less. He must Agree to commit no Waste and to leave the plantation in good Repair.

Industrious Tenants will be able to make as much Money in five Years, as will buy for them a tract of land. I will give Leases to 20 or 25 Tenants in addition to those who have already gone out. I mean for the Hatchie and Mississippi Lands. My Agent in that Country will shew the lands.

I wish to get 8 or 10 Tenants for some Lands on the Obion. They lie about 15 Miles from the Mississippi, and at the first Bluff on the Obion River.

All the above lands are of very good Quality, and will average in products, from 7 to 10 Blls of Corn Per Acre, and from 1000 to 1300 lbs. of Cotton. The Lands on the Mississippi, Obion and low down on the Hatchie, produce Tobacco well, and Wheat likewise. The Growth is Hickory, Black Oak, Black Ashe, Poplar etc.

I give you a plat of the Hatchie Connexion of old granted Lands. I have about 20.000 Acres in this Connexion. Part of these Lands are yet to be divided between myself and John C. McLemore, Judge Trimble and Others. I shall be entitled to

[1]John Paine Carter (c. 1798-1830), A.B., Princeton, 1815, was admitted to the bar in 1818; married Murphey's daughter, Cornelia Anne, Jan. 4, 1821; settled near Mocksville; and removed in 1829 to Alabama. He lost heavily through speculations and suretyship for Murphey.—Murphey family Bible.

12.500 Acres in this Division, and entitled to choose this Quantity out of 48.000 Acres. I have to make the Choice by tracts, taking 2 of 5000 Acres each, and a Moiety of a third.

I wish to sell a considerable Part of the above Lands. The best bargain I could offer to a Man of Capital, is One of the 5.000 Acre tracts above mentioned. My first Choice will be a first Rate tract; and probably the second and third Choice will be of equal Quality. This is among the best Lands of the Western Country, far superior in Quality, Water, Convenience to Trade, Production of Corn, Cotton and Tobacco, to the Lands of Alabama, which brought at the public Sales, from fifty to seventy Dollars Per Acre. The Climate is more regular and mild than that of the Upper Parts of Alabama. The Lands are equal to the Rich Lands in old Tennessee, that 12 Years ago sold for 3 Dollars Per Acre, and now bring from 10 to 15$. It is beyond all doubt, the most desirable Country for farming, and for living, that I ever saw. The Population is growing rapidly, and the Society will in a few years be equal to any Country Society in the Southern States.

First Rate Lands on the Hatchie, Looshatchie and Wolf Rivers, are now worth $6 Per Acre in the Market, second Rate $4, third Rate $2½. They are believed to be more suitable for Cotton than any other lands in the Purchase.

It is a free Stone Water that abounds here. There is no Limestone, nor Stone of any description, nor gravel, nor coarse Land. The Farmers calculate upon making three Crops with the same ploughs, without Pointing. Several have already made two.

As to the Healthiness of the Country: It is believed to be more healthy than any of the new Countries that have been settled to the West. Thus far the People have been healthy, and last Season were much more so, than the People in old Tennessee west of the Cumberland Mountain. The Sickness in a new Country is produced by the Misconduct of the Settlers; living in open Cabins, on fresh Meats, hunting much in the Dew etc. are the true Causes of the Sickness that is complained of. Any Man who will visit the Country will be convinced of this fact.

You will see by the Map, that Farmers on the Hatchie,

Forked Deer or Obion, are more than 1000 Miles by Water nearer to New Orleans, than People in Madison County in Alabama, and 800 Miles nearer than the People of Nashville.

Yours.

20th. Dec: 1822: A. D. MURPHEY.

To Colonel William Polk. M. MSS.

RALEIGH. 22d. Jany. 1823.

Dear Col.

* * * * * * * * * * * * *

If you have made out any further Memoranda for me respecting the events of the Revolutionary War, I should be glad to get them, and also Genl. Graham's Manuscript. Having now a Prospect of a speedy Settlement of all my Affairs, I wish to proceed with my Collection of Materials and with the Arrangement of them. Mr. Hill[1] has procured for me, Genl. Sumner's[2] Papers.

Yours.

Col. Polk. A. D. MURPHEY.

To Captain Herndon Haralson. M. MSS.

HAW-RIVER. N. C. 24th Jany. 1823.

Dear Sir.

I reached home in Safety and found my family and all our Friends in good Health. I saw Paul a few days ago: He was well and is doing well. I have not yet seen my Mother: but I learn from Dr. McAden that she is in her usual Health. We have here no News. Several People here fond of talking and speculating on things seemed surprised at my Return, and still more at my paying off so many of my Creditors. They dis-

[1]William Hill, secretary of state.

[2]Gen. Jethro Sumner (1733-1785), one of the most distinguished North Carolina officers of the Continental Army. His papers were with the mass of Murphey papers sold in 1884 to a New York autograph dealer, and they are now scattered. Many of them are in the Emmet Collection, in the New York Public Library, and many are in the collection of Z. T. Hollingsworth, Esq., of Boston.

tinctly understand that I hold them and their Predictions in Contempt. I have absolutely done Wonders within the last eight Months, and it is a matter of Astonishment to me to look back and see the difficulties I have surmounted and what I have done for my Brother's estate as well as for myself. I hope I can pay his Debts and save Something for his Children.

I shall return to Tennessee in June and be at your House early in July, if Health permit. * * *

I beg you to throw Yourself in the way of Purchasers and try to aid me in making Sales. * * * Unless You can Aid me in making Sales, I shall run the Risque of being ruined a second time.

* * * * * * * * * * * * *

[Address: Near Jackson, Western District, Tenn.]

From Thomas Armstrong. M. MSS.

GERMANTON 24th. Jany. 1823.

Sir

While at Raleigh this winter, I was informed that you expected to remove to Tennessee and there practice the law. Having business in that Country, unsettled, respecting my fathers estate, I would gladly interest you in it so as to induce you to undertake on my part to bring it to a Close. I am induced to believe that a considerable quantity of land might be saved with proper management. The heirs of my fathers estate have been grossly imposed on, by unprincipled and faithless speculators in that Country; in so much that I have but little Confidence in even those who seem most to deserve it. It is probable that when in that Country, you might have heard something of the situation in which our business at present stands, for it is pretty generally known there. I have made several attempts to engage with some Gentleman of the Bar to undertake the management of it for me, but upon trial have found it difficult to find any one who was not directly or indirectly interested against my Claim.

I should be glad to hear your determination with respect to

moving and whether you would be inclined to undertake for me. On hearing from you I will make proposals to you which I presume will be such as you will deem fair. If you expect to attend next County Court of Guilford I would endeavor to be there for the purpose of conferring with you on the Subject.

I am Sir

Respectfully Your Hble Sert.

THOS. ARMSTRONG.

[Address: Albright's Post Office.]

To Treasurer John Haywood. UNIV.

RALEIGH. 29th. Jany. 1823.

Dear Sir.

If the Committee make me the Allowance we talked of, I beg you to pay out of it to Col. Polk $3750: retain $300 which I owe you and enclose me the balance to *Haw-River.* If it were wrapped up as *valuable papers,* and entrusted to Mr. Moring the Stage Driver, he, at your request, would deliver it safe. The Allowance by the Committee would be a great Accomodation to me. I have been so long from my Courts, that my Money has nearly run out.

A kind Providence has prospered me beyond all expectation in settling my Affairs. Since the Month of July last I have extinguished two thirds of my Debts. If the same good fortune attend me, I shall, before I set out for Tennessee, be free from embarrassment, and have property left worth $20,000. If ever a Man had Cause of Gratitude to God for his Goodness, I surely have. After sacrificing more than $70.000 for my Friends, and being deemed irretrievably gone, I shall be enabled in the short space of eighteen Months, to be more independent than I have been for twelve years. In all my difficulties I have had a perfect Confidence that Providence would bear me up and eventually relieve me. I enclose a Memorandum respecting the Business of the University.

Yours Affectionately.

John Haywood esq. A. D. MURPHEY.

To Alfred Balch.

HILLSBOROUGH. 12th. March 1823.

Dear Sir.

A few Weeks ago I met with Genl. Pearson for the first time since my Return, he having been absent in South Carolina. He and myself soon came to a distinct Understanding upon the Subject of the Mumford lands, and we were to meet on the second Monday of next Month, when he was to take a Deed and get the Heirs to sign it. Eight days After I parted from him, he was thrown from his Horse and much injured. He lingered three days and died. He was one of my fondest Friends and one of the most correct Gentlemen in North Carolina. There were but few Men in the World whose Death would have excited so much Regret in my Bosom.[1] * * *

[Address: Nashville.]

From Treasurer John Haywood. M. MSS.

RALEIGH. 15th. March 1823.

My dear Sir,

* * * * * * * * * * * * *

With respect to the One Thousand Dollars voted to you by the Board, I do not think that your receiving that sum, on account of your Expenses etc. in Tennessee last Summer, would operate any Hindrance whatever to the future adjustment and satisfactory settlement of your Claim. Genl. Bryan has received the like sum voted him last Winter, for the same or the like services; and reserved to himself, in his Letter of acceptance of that sum or Vote, the Right of taking or refusing the *Lands* offered him at the same time.

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[1]Jesse A. Pearson, of Rowan, was a member of the House of Commons, 1807-1809, 1812-1815; state senator, 1816; colonel-commandant of the N. C. regiment in the Creek Indian war in Alabama in 1814; and afterwards major-general of militia. He was a staunch Federalist, a leader in the movement for a constitutional convention, and active in the affairs of the Yadkin Navigation Co. See obituary notice, *Raleigh Register*, March 14, 1823.

If I might be permitted to advise on this occasion it would be, that you should address to me, not a friendly but a mere official Letter, signifying your acceptance of the sum voted you as aforesaid in Money, and desiring it may be paid and forwarded to you; and reserve at the same time, the Right to accept or decline the *Lands or Warrants* offered, as Genl. Bryan has done: on the ground of your being dissatisfied with the Vote of the Trustees, and of your intention to bring the subject of Remuneration or Allowance before that Body, at their next annual Meeting.[1] * * * To enable me the better to be useful to you on this occasion, let it appear from your Letter, that you address me, merely as the *Chairman* of the Committee, without shewing that you consider me in any other light. You know my feelings, not only on this occasion, but on all others likewise in which you are concerned. I shall not hesitate to speak them and to act up to them, on every proper occasion; but to be useful to our friends, you know, it is necessary that we at least appear disinterested and unbiased; and particularly so, when public Duties or public Interests are involved. I will only further add, that I wish you to be assured you will always find me, the same grateful and affectionate friend I have ever been, and wished to be towards you; and that, of course, you may confidently count on my best services.

Much and truly, Yours,

JOHN HAYWOOD.

To Treasurer John Haywood. UNIV.

HAW-RIVER. 4th. June 1823.

Dear Sir.

I have received your several letters, for which I thank you in all Sincerity. We could not form a Board[2] at Salisbury in Consequence of the Miscarriage of your Letter, and we ap-

[1]Murphey followed this advice.—Murphey to Haywood, March 24, 1823, in Univ. MSS.

[2]The board of directors of the Yadkin Navigation Co., of which Murphey was president.

pointed the 9th. (second Thursday) of October next, for a General Meeting of the Stockholders, in Salisbury. I was glad that you selected Mr. Fisher[1] as your Proxy. There are many reasons why I did not wish to have the Appointment, some of which are mentioned in yonr letter. I beg you to appoint Mr. Fisher your Proxy at the next Meeting, and to forward the appointment to him shortly, as I shall not be here to write to you again on the Subject, Untill a short time before the Meeting is to take place. I know well the effect which adverse fortune has on the Standing of a Man in Society, and I have avoided public Business and shall continue to avoid it Until I get my affairs settled. I have an entire Confidence that Providence will dispose of me to the best advantage: that if I deserve Success, I shall have it; and that if I do not, my Labours will be in vain.

Col. Polk has not yet arrived. I thank you for the lively Interest you take in my Situation. If I can serve the University during the summer, I will do it with the same Zeal that has animated me heretofore; and if my services be deemed worthy of reward, I have no doubt I shall receive it, if you should live. I have received the Copy of my letter containing an account of the Lands belonging to the Trustees. If the Powers given to me by the Committee be sufficient, I will bring with me from Tennessee Information respecting our Lands there which will be satisfactory and useful.

I had written thus much, when looking out, I saw Col. Polk. He handed to me yonr Letter with its enclosures, and $122, mentioned in the resolutions of the committee. He also handed to me the Letter to Judge Trimble and the one to Mr. Dickens, both of which I have read. You have bestowed on me unmerited Commendation in your Letter to Judge Trimble. I will, however, do all in my power to assist him and Mr. Balch in preparing the Defence for the University upon the general points which will arise in every Case; and I will attend diligently to the several Subjects committed to my Charge by the Committee. But I learn from Col. Polk that he has neglected to take charge of the Warrants which Mr. Hill has lately issued under the resolution of the last General Assembly. These Warrants, I beg you to seal up and send to me by Mr. Boylan,

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[1] Charles Fisher. See *post*, p. 309.

who will probably set out on Monday. Should he not come, send them by the Stage Driver wrapped up in a Newspaper and tied, and say to him he shall have fifty Cents for delivering it at the Post Office here (Haw River Post-Office). Deliver the Package to the Stage Driver on Friday.

I am sorry Mr. Hill gave such a limited Construction to the resolution of the Assembly. It was perhaps its *literal* Meaning; but the *intent* was to enable the Trustees to make the most they could out of the remaining Cases on the Muster Roll, and that a Warrant should issue in each Case.[1] Could not Mr. Hill be prevailed on to issue Warrants in every Case that remains? It is all that North Carolina will ever get, of what once belonged to her entirely and absolutely: and I know it is the ardent Wish of Tennessee that Warrants should issue in *every* Case: for in this way *only* can she get any of this land. She can get *one half* under the Compact with the Trustees, and as it must necessarily please North Carolina, and gratify Tennessee, whilst at the same time no person can possibly be dissatisfied, Perhaps upon a further consideration of the Subject, Mr. Hill might think that he was not going out of the Spirit of the resolution, to issue Warrants in all the Cases. I well know this was the intent of the resolution, having myself drafted it and got Mr. Wilson to introduce it: and I well know it is expected in Tennessee that this would be the course pursued. Mr. Hill is such a good Man and such a correct officer that I should be very unwilling to countenance a departure from his duty even to advance the Public Interest; But I am

[1]This resolution was introduced in the House of Commons Dec. 16, 1822, by James Mebane. It reads as follows:

"Whereas, divers cases remain upon the muster roll of the continental line of this state, where military warrants have not been applied for by those fairly entitled to receive them;

"*Resolved*, That the Secretary of State be, and he is hereby directed to issue to the Trustees of the University of North-Carolina military land warrants, in every case founded on the muster roll of the continental line of this state, for such quantities of land as the soldiers themselves, or their representatives, would be, or are now, justly entitled to, where warrants have not heretofore been issued; and the said Trustees and their assigns shall hold the lands which may be granted by virtue of said warrants in trust for those legally entitled to the same."

Under this resolution Secretary Hill issued warrants for about 10,000 acres, and refused to issue more, although there were outstanding claims for more than 110,000 acres.

convinced that in issuing the Warrants he would only do that which the General Assembly intended he should do, and which Tennessee expects will be done. The Legislature of Tennessee meet in September, and unless We can lay the Warrants before that body and get a resolution for their Location, We can profit nothing from them.[1] It is therefore important to get the Warrants now: and I hope Mr. Hill will feel willing to issue them. He certainly can give Offence to no Individual by so doing: and will not only please, but advance the Interests of the two States. I beg you to bring the Subject before him again, and if he will issue the Warrants and Mr. Boylan should not go to Tennessee, hire an express to bring them to my House. I shall set out on Wednesday next. May a good God protect you and your worthy Family; give you peace and contentment of Mind, with all the Blessings which are permitted to be in this world, and the rich rewards which are promised to us in the next. Your Affectionate Friend

A. D. MURPHEY.

John Haywood esq.

To Thomas Ruffin. RUFFIN MSS.

NASHVILLE. 14th. August 1823.

Dear Ruffin.

I have just returned to this place from the Western District and am preparing my business for a speedy Return to North Carolina. I have yet to go to Murfreesboro', Franklin and Columbia, and it will take two Weeks, nearly, perhaps entirely, to get off. I have been actively employed, am fatigued more than I expected, but in good Health. I fear I shall not be able to get all my business settled here this Season. The Surveyor finished the Survey of the great Hatchie Connexion only a few days ago, And it is very doubtful whether we can make our Selection of tracts before November. We are all anxious

[1] As the Tennessee board for the adjudication of North Carolina land claims was dissolved in the fall of 1822, it was necessary to apply to the legislature of Tennessee. The new warrants were laid before the Tennessee Assembly in September, 1823, with a memorial, drafted by Murphey, praying that provision be made for locating them. This memorial was rejected. See *post*, p. 300.

to make this Selection immediately, that the Lands may be divided and brought before the Public; and we shall All risque Something to get this done quickly. The Settlements would quickly extend over these Lands, if this were done, And the Lands be in the Market for Sale. * * * There have been, I think, nearly an hundred Persons from Alabama, Kentucky, Virginia, Georgia, etc. viewing this District during this Summer, and nearly all will remove. Two of the Counties have already a population exceeding 7000 each. In these Counties Lands sell readily from two to five and six Dollars, and they are the poorest Counties in Soil in the District; but they lie nearest to the old Settlements and are peopled first. Could I secure my estate here for a few Years, it would yield me a rich Harvest. I have employed an Agent to subdivide the Tracts, examine each, have maps made out, and to shew the lands to Persons who wish to purchase. In this way, I can bring several thousand Acres into the Market within the next two or three Years. * * * I wish upon my Return to make some Settlement with you, and give you ample Satisfaction, and to begin once more to be a Citizen and to feel relieved from a certain Cheapness of Condition, that haunts me forever.[1] I hope I may live to reward you for your Goodness. * * *

[Address: Hillsborough.]

To Colonel William Polk. M. MSS.

HILLSBOROUGH. 9th. Dec. 1823.

Dear Col.

I have long thought that it would be adviseable to appoint a Committee of the Trustees to visit Chapell Hill and determine upon the Plan and Scites of the future Buildings to be erected

[1] In June, 1823, when Murphey's indebtedness to Ruffin amounted to $12,272, he purchased from Ruffin for $9,539 Lenox Castle and certain other property which Ruffin had bought at the trustee's sale in 1821. A year later he purchased nearly all of the residue of his former estates, thereby increasing the debt to $26,525, and Ruffin conveyed the property to Dr. James Webb and William Kirkland to hold it in trust for five years, and, if the debt was not then paid, to sell it and discharge the debt.—Orange records.

there. I believed I mentioned the Subject to You in a Letter last Spring. The Trustees will have Funds in time, to give to the University, any plan of Buildings which they may choose to adopt, And it appears to me that a *general plan* should be now determined on. My Idea of this *general plan* is, that a Series of Buildings, distant and apart from the Others, be erected for each of the four Classes: That each Series have its own Chapel, for the Assemblage of the Class at Prayers, public speaking etc.—that in this Chapel suitable Rooms with Stoves, be fited up for the Recitation of the Class—

That a large Church be erected for the Assemblage of *All* the Classes on Sundays, And at Times of Commencement—That a suitable Building be erected for the two Societies. That a large Building be erected with commodious and extensive Rooms, 1st. for a Laboratory, where the Professor of Chemistry could deliver his Lectures—2d. for a Museum of Natural History. 3d. for a Cabinet of Minerals. 4th. for a Library. 5th. for philosophical and Mathematical Apparatus.—

I think nothing would so much contribute to the good Discipline of the University, as a Separation of the Classes and their living in distinct Buildings. The *Esprit de Corps* of the Classes would have a fine effect. Time will be required to complete the plan; but now is the time to fix it, and to have the Scites of the Buildings determined. I wish, Dear Col, to draw your Attention to this Subject, And if it meet your Views, to move for the Appointment of a Committee. It would probably require several Meetings of the Committee, to determine on the Plan in its Details.

And What I am about to state, I hope you will deem no flattery. The University is principally indebted for its existence and its Progress to Genl. Davie, Yourself, The Treasurer, Governor Smith and Majr. Gerard. It is my Wish that five of its Great Halls should bear Your Names.

If there be a Vacancy in the Board, let me invite your Attention to Mr. William Hill, Secretary of State. He wishes to be appointed a Trustee, and from his Habits of diligent Attention, I think he would make a valuable one.

Yours. Very truly and Affecy.

A. D. MURPHEY.

Col. William Polk.

From Thomas D. Bennehan.[1] M. MSS.

Dear Sir STAGVILLE 24th December 1823

Your favour by Moreau I received on his way to Granville, and regreted much that he was so intent on his journey that he would not even stay to take his dinner with me. The Registers[2] that you have seen in my House were collected by my Father[3] many years since. I have mentioned to him your wishes, he has directed me to say to you that it will afford him much pleasure to loan them to you, but that he could not be reconciled to sell them, as they afford him much amusement in the Winter, at which period he is pretty much confined to the House, and those old Books revive in his recollection, many scenes long since past, we have about a Dozen volumes (from the year 1775 to 1791). While on this subject let me intreat you to write the History of our State. Your friends will be greatly gratified, posterity will applaud you, and I believe and trust it will afford you a handsome compensation.

I beg you to remember me affectionately to Mrs. Murphey and believe me to be with much regard and esteem

Yours truly

A. D. Murphey Esqr. THO. D. BENNEHAN

[Address: Haw River]

To Colonel William Polk. M. MSS.

Dear Col. HAW-RIVER. 7th. Feby. 1824.

Since I left Raleigh, I have been at divers places in Orange, Randolph, Guilford and Davidson Counties, And every where have found Genl. Jackson, the favourite of the People. I saw Mr. Fisher at Lexington. You know how sanguine he is for Mr. Calhoun. He seemed to deprecate the Idea of framing

[1]Thomas Dudley Bennehan (1781-1847), A.B., Univ. of N. C., 1801, was a wealthy planter of Orange and a trustee of the University. See *James Sprunt Historical Monograph*, No. 7 (1907), p. 28n.

[2]North Carolina newspapers.

[3]Richard Bennehan.

a Jackson ticket: He said it would ensure Mr. Crawford's election. He entertained a Confidence of Mr. Calhoun's Success in Pennsylvania, Maryland and New Jersey; and also in this State, if a Jackson ticket were not framed. I entertain a very different Opinion, and believe that Mr. Calhoun can calculate with Certainty only upon South Carolina. He has a respectable Interest in all the States; but it is too weak to be embodied and prove efficient. Genl. Jackson can get more Votes in this State than Mr. Calhoun and Mr. Crawford together. The Letters which I have lately Received, say that Pensylvania is decidedly for Jackson. If so, it is time for Mr. Calhoun's Friends to give him up, and for Jackson's Friends to come out. What Course do you recommend? If thought expedient, I can have large County Meetings held within the next two Months. I wish to know your Views, and will thank you for your Advice in this Business.[1]

As to my Debt to You, will you take for it in whole or in Part either Lands in the Western District of Tennessee, or in the County of Rowan in this State? I am in Contract with Col. Freeling of the Forks of the Yadkin, for his Lands, which are said to be equal to any Lands in the County. I expect to close the Contract on next Week. He wishes to remove to the Western District of Tennessee. If you will take Lands from me for the Debt, at Valuation, I will give you $1000 over and above the Amount. You know my Situation and the Causes of the Anxiety which preys on me. I beg you to write to me to Haw-River. P. O. Or by Mr. Ruffin from Wake Court.

Very truly and Affecly.

Yours.

Col. William Polk. A. D. MURPHEY.

[Address: Raleigh.]

[1]Five prominent candidates for the presidency were in the field, all nominally Republicans, the Federalist Party being practically extinct. Crawford, who represented the old Jefferson school of Republicanism, was certain to be the choice of the caucus at Washington, to be held Feb. 14th; and Calhoun, Adams, Clay, and Jackson had each been put forward by adherents in their respective sections of the country. Until this election Republican congressional caucuses were the only presidential nominating machinery that had been invented; and in states where electors were chosen by general ticket, as in North Carolina, it was the custom to frame the ticket by means of a caucus in the legislature. Now the caucus system was denounced as a usurpa-

To Colonel William Polk. M. MSS.

HILLSBOROUGH. 27th. Feby. 1824.

Dear Col.

Your several Letters have come to hand, and I have read them with Attention. The enclosure for Mr. Fisher was duly forwarded. In that, you expressed the Fears which I entertain and I regret that you have come to any Understanding with the Gentlemen in Raleigh on the Subject; for is it not certain that they have given you a pledge which they have no Power to redeem?[1] I do not doubt their Sincerity; but it is clear to me, that they will have no Control over the Persons placed on "the People's Ticket"—; And it is well ascertained that of the whole of those already on that Ticket, only one (Genl. Dudley) will certainly vote for Genl. Jackson. I am informed that

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tion of the rights of the people. In December, 1823, Charles Fisher, following the example of Felix Grundy in Tennessee, introduced resolutions in the North Carolina Assembly instructing the state's senators at Washington and requesting the representatives to oppose the congressional caucus system and to advocate a constitutional amendment providing for the choice of presidential electors in districts. These resolutions were intended by Fisher to subserve the interests of Calhoun. They were defeated after a long and heated debate by a vote of 82 to 46, although they had the support of all members opposed to Crawford. A few days before the Assembly adjourned Crawford's friends met in caucus and framed an electoral ticket for him. Thereupon the friends of the other candidates agreed to put forward a ticket in opposition to the caucus principle, to be called the "People's Ticket." There seems to have been no clear understanding at first as to whose ticket it should be. In the debates on Fisher's resolutions Calhoun was conceded to be the strongest anti-Crawford candidate in the state, and, while Adams had many friends, neither Jackson nor Clay were thought to have any chance of success. At the date of this letter the few persons who had been announced as candidates for elector on the People's Ticket were in favor of Calhoun. Jackson's strength, however, was growing with astonishing rapidity. Col. Polk, who was his personal friend, was his most active and influential supporter in North Carolina.—*Debate on Mr. Fisher's Resolutions against Caucuses in the House of Commons of N. C. In Dec., 1823* (Raleigh, 1824); Raleigh *Star*, Dec. 26, 1823, Jan. 30, Mar. 5, 1824; Wm. Polk MSS., Library of Congress.

[1]Polk and his allies, seeing the name of Calhoun alone associated with the People's Ticket, determined to frame a separate ticket for Jackson, but they made a compromise at Raleigh with friends of Calhoun and Adams whereby electors on the People's Ticket were to pledge themselves to vote for the candidate whose prospects of defeating Crawford should seem best. This fusion ticket, notwithstanding repeated attempts to form another, continued to be the only ticket in opposition to Crawford. Even after the withdrawal of Calhoun in March and his acceptance of second place with Jackson, Polk and his

Genl. Jackson is not even the *second* Choice with anyone except Genl. Dudley. Will they consent to be bound by an Agreement of their Friends in Raleigh? I think they certainly will not: And we shall not be able to get along with Genl. Jackson, if we place him *in the Rear* of Mr. Calhoun or anyone else. We should, I think, form a ticket with Names of Gentlemen who will *certainly* vote for Genl. Jackson, if there [be] a Prospect of his election; and we may choose Men, who will support Mr. Calhoun, if Genl. Jackson's Prospects prove gloomy. But it must be in Substance what it must be called, *Genl. Jackson's Ticket.* The People will support none other. I have no fear of this Ticket's obtaining a great Majority of *all the Votes.* It is the only one which the People at large will feel an Interest in supporting. I have no belief that Mr. Calhoun has any Reasonable Chance in this Contest. He will not be able to get into the House of Representatives, Unless Genl. Jackson should withdraw. I know some of his Friends in this State and elsewhere are sanguine, and they are unwilling to believe that he cannot succeed. Mr. Fisher shewed me several Letters from Washington, all of which contained flattering Opinions of his Chance: And from what he told me, I am confident Mr. Calhoun's Friends have no Idea of giving him up, if there be the *least* Probability of bringing him into the House of Representatives: And they cannot (as you will see) be brought to acknowledge that Genl. Jackson has a better Chance. They are attempting to set up Mr. Calhoun upon Genl. Jackson's popularity: And Although as an Individual, I should be much pleased with the Arrangement which is proposed, And have no doubt that those Gentlemen who pledge themselves to support it, will be honest in their endeavours, Yet I am confident the pledge you have Received will not answer the Purpose: And I

lieutenants feared that a division of the Jackson and Adams forces would give the victory to Crawford. The *Raleigh Register*, when publishing a statement of the North Carolina vote (People's Ticket, 20,177; Crawford Ticket, 15,396), said: "We believe that it is conceded even by the supporters of Gen. Jackson, that if three tickets had been run, Mr. Crawford would have received the vote of the State."—Wm. Polk MSS., Library of Congress, especially Wm. Martin to Polk, July 13, 1824; *Raleigh Register*, Feb. 17, Mar. 23, Aug. 31, Sept. 10, Nov. 23, 1824; Raleigh *Star*, Mar. 5, 26; Apr. 2, 1824; *Hillsborough Recorder*, May 19, 1824.

have more than one Reason to think that it is not seriously intended by at least some few of Mr. Calhoun's leading Friends, to use Genl. Jackson's Name for any Purpose but to help their Favourite, and that they have no Idea of voting for him in scarcely any event.

I beg you, Dear Col. to learn what Guaranties the Gentlemen can give you that the Agreement shall be complied with? If they cannot give you the *most satisfactory,* let them understand that the Contract is not reciprocal and cannot be observed. I assure You that the Observance of it on our Part, is a Surrender of Genl. Jackson's Chance in this State. We must exhibit him to the People *by himself,* unconnected with any other Candidate and resting upon his own Merits. The slightest Suspicion of a double game being played before the People will excite an indignation that will ruin us, of itself; and Mr. Crawford's Friends, if they should never know it, will not hesitate to suspect and publish it. I beg you to reconsider the Case, and I think you will agree with me, that We had better proceed forthwith to form a distinct ticket. We may select possibly two or three of those *now intended* for the People's ticket. Perhaps Job Giles of Salisbury may be one. And *inter Nos,* I am not without a hope that We can enlist Genl. Gray of Randolph and Genl. Philips of Rockingham on our Side, and place them on our Ticket. I am told there is a *possibility* of doing it. Write to me at *Haw-River,* on next Week. I will write Again in a few days. I saw Col. Thos. Polk at Salisbury. He confirmed the intelligence I had before Received as to the Western Counties.

Yours truly

Col. Wm. Polk A. D. MURPHEY.

[Address: Raleigh]

To Colonel William Polk. M. MSS.

Dear Col. HILLSBOROUGH. 21st. March 1824.

I have endeavoured as far as possible to improve to Advantage the several Suggestions in your Letters, And the difficulties which existed as to the Electoral Ticket seem now to be en-

tirely Removed.[1] The Field is now fairly open to Us and We can bring forward Genl. Jackson openly and avowedly, without being trammelled by Mr. Calhoun or any one else. Mr. Haywood can inform you of the Result of our Meeting at this place, and you will see the Resolutions which we adopted.[2] Upon the Suggestion of Mr. Haywood, I changed the plan which I had first thought of; which was to reqnest You and a few others to act as a Central Committee and form a Ticket. Majr. Taylor was of my Opinion, that this plan should be adopted; but for Reasons given by Mr. Haywood, we changed our Opinion and took the Course which you will see mentioned in our Resolutions.

Your Letter and that of Judge Potter to Mr. Mebane did not go to his Post Office, and he never got them Untill Thursday last. This will account for his not answering them sooner. He has pledged himself to Us to vote for Genl. Jackson, if the Wishes of the People be in his favour. Being placed on "*the People's Ticket*" he says he shall feel himself bound to vote for the Man whom the People wish to be elected. In Confidential Intercourse, he does not conceal his own Opinion, that Jackson is not his first Choice. I believe he prefers Mr. Adams. But he says his Friends know him well enough to confide in him, and to believe that he will vote as he assures them. We feel anxious to get him into the next Assembly, and we be-

[1] Calhoun had withdrawn from the contest.

[2] "Pursuant to public notice, a meeting of the friends of Gen. Jackson took place at Hillsborough, on the 18th ultimo; when Col. Samuel Child was called to the Chair, and Maj. John Taylor was appointed Secretary.

"A. D. Murphey, Esq. submitted a preamble and resolutions, setting forth the qualifications and claims of Gen. Jackson for the Presidency, and declaring the determination of the meeting to support him as a candidate for that office.

"The following gentlemen were appointed a committee, to correspond with persons in the different electoral districts of the state, and to unite with them in recommending to the people suitable persons to be voted for as Electors: Maj. John Taylor and A. D. Murphey, esq. of Orange county, William M'Kissick, esq. of Person county, and Gen. Joseph H. Bryan, of Granville county."—Raleigh *Star*, Apr. 2, 1824. See also *Raleigh Register*, Feb. 17, Mar. 23, 1824. *Cf. Ibid.*, Apr. 20, 1824; Raleigh *Star*, Mar. 26, 1824. The People's Ticket was completed in April. A number of those whose names appeared upon it were recommended at public meetings in their respective congressional districts, but Col. Polk, Murphey, Judge Potter, and a few others brought about those meetings and framed the ticket.

lieve he cannot be elected Unless he be placed upon Jackson's Ticket. At present that Ticket (if one was formed) would be all powerful in this County: And if the Presidential Question mingles with the County Elections, No Man opposed to Jackson can be elected here. For these Reasons We hope you will approve of Mr. Mebane as an Elector. As I shall leave the County on next Week on my Circuit, Majr. Taylor will keep you apprised of the State of things here; And if any thing should turn up before the Ticket be published, to render it necessary to withdraw Mr. Mebane's Name, You can do so, and We will point out Another.

I was in Person on last Week. The Subject was just stirred before Court: but favourable indications were given. The old Sheriff McKissick took Pains to give an Opinion during Court, And he declared to me that he thought Jackson would even now get a Majority in that County.

I shall be in Chatham on next Week and in Randolph on the Week following, when I shall see Genl. Gray, and learn distinctly Whether he can be drawn over. If he cannot, I recommend John Morehead esqr.[1] for that District. Thomas Settle esqr. must be the Elector for the District adjoining on the Virginia line—Giles for the Counties of Rowan and Montgomery. Will not Genl. Stokes be the proper Person for his District? And Col. Robert Love for the Western?

The Names for all the Western Districts can be selected during the next Month, and I submit to You Whether it would not be adviseable to publish the entire Ticket as early as the last of that Month. What Name will you give it? "Jackson's Ticket," or "the People's ticket"? The latter expression is worn out, and not so well understood. It seems to me that we should call the Ticket by its true Name. The People will understand it better. This is Majr. Taylor's Opinion, and he urges the Adoption of its true Name.

What will Genl. Forney do? You must select a Man there. He is for Adams, I understand.

Whom shall we support for Vice President? We must go with Pennsylvania, if Mr. Calhoun do not decline the Appoint-

[1]John M. Morehead.

ment. His Nomination was injudicious, I think. I wish to run De Witt Clinton. How do you like him? If you approve him, We will drop some Hints in the Papers on the Subject, to be improved, if Mr. Calhoun should not consent to accept the Vice-Presidency.

Certainly things are going on well in this State for Genl. Jackson: and I hope they will take as favorable a Turn in some of the Other States. The Contest will settle down between him and Mr. Adams.

Write to me at Salisbury.

Yours Very truly.

Col. Will. Polk. A. D. MURPHEY.

[Address: Raleigh.]

To Colonel William Polk. M. MSS.

SALEM. 23d. April 1824.

Dear Col.

* * * * * * * * * * * * *

The Cause of Genl. Jackson gains ground daily all around the Circuit where I have been. Genl. Stokes told me, his Interest was literally overwhelming near the Mountains. The Genl. will, I hope, consent to be placed on the ticket. The People of Wilkes are to have a Meeting shortly for the Purpose of naming an Elector. Mr. Morehead will serve for Guilford, Randolph and Chatham. From Guilford on next Week, I will write to you at large on the Subject of the election.

Dear Col,

Your Obliged Friend.

Col. Wm. Polk. A. D. MURPHEY.

[Address: Raleigh.]

To Colonel William Polk. M. MSS.

HAW-RIVER. 3d. May 1824.

Dear Col.

* * * * * * * * * * * * *

Is there any thing in which I can serve you in Tennessee? If so, it will give me pleasure to render a Service.

I have been gratified at the Prospects of Genl. Jackson's Friends in every County in my Circuit, Untill I reached Guilford. That County is divided: Mr. Adams has, I think, the Majority. Mr. Crawford has the next greatest Number of Friends.[1] Genl. Jackson has no active Friend in the County, except Mr. Morehead. I do not therefore calculate much on Guilford. In Rockingham, where I am now going, Genl. Jackson will do well. He and Adams will get two thirds or three fourths of all the Votes.

The extensive Circulation of the Register has a most injurious effect upon Genl. Jackson's Interest. The continued Assertion that Mr. Crawford will be elected has an effect upon the Minds of Common Men that is astonishing. Situated as We are, We can't adopt the same policy, from a fear of giving Offense to Mr. Adams's Friends. Still I have no doubt of the Vote of this State. I am sorry that I am going away. I could do a little, and that little should be done. Five or six thousand Copies of the Alleghany Address, well distributed among the people would do much.

What are the Hopes from Virginia, New York and Maryland? Genl. Jackson is gaining ground in all these States: Can he get the Vote of either? What are your Calculations?

Yours, truly and affectionately.

A. D. MURPHEY.

Col. William Polk.

[Address: Raleigh.]

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[1] For the influence of the Guilford Quakers in the election, see H. McG. Wagstaff, *State Rights and Political Parties in N. C.* (*Johns Hopkins Univ. Studies*, etc., 1906, series XXIV., nos. 7-8), pp. 46-48.

To Thomas Ruffin. RUFFIN MSS.

Dear Ruffin./

I Received your Letter on the Subject of Moreau's professional education. I thank you for it in all Sincerity of Heart, and will confide Moreau to your Care shortly after my Return. He is in every Respect amiable, and his Mother and myself have our Hearts fixed on him. I have many Reasons to love him. Yours. Affectionately.

A. D. MURPHEY.

11th. June 1824.

Thomas Ruffin esqr.

[Address: Hillsborough.]

From Pleasant M. Miller.[1] M. MSS.

KNOXVILLE July 11th 1824

Dr Sir

I recd yours of the 22d. 1824 last evening which will account for your not receiving an answer at Nashville as you requested, I have no objections to take a fee vs John Rhea if the Suit can be commenced where I can practice, but as I shall move to the Western District by the first high water after December next, it is probable it may not be convenient. If you should have business in the Neighbourhood of the place I have settled Mr. Steall who you will find there will give you something to eat. As to Mr. Cherry there is a connexion in the family, and I do not wish to widen the Breach already existing. I therefore would be unwilling to be ingaged, I leave town this evening for Nashville to attend the supreme court where I shall remain two weeks at least where I should be glad

[1]Pleasant M. Miller (?-1850), of Knoxville, a native of Virginia, was one of the most prominent and successful lawyers in Tennessee, a member of Congress, 1809-1811, and Chancellor of West Tennessee, 1836-1837, where he settled in 1824.—J. C. Caldwell, *Sketches of the Bench and Bar of Tennessee* (Knoxville, 1898), p. 63; *American Historical Mag.* (Nashville), VIII. (1908) 116; Battle, *Hist. Univ. of N. C.*, I. 387, 388.

to hear from you, if you should think of moving to the Western District I should be glad you could settle in my neighbourhood. I think you are certainly right about the vote of North carolina. New York cannot be counted on under any possible state of things. Under the pretence of not dividing New York Vanburin and his folks will go over to Adams or the Devil So as to defeat D wit Clinton. Of the two Dewit is certainly the master workman. His papers are *pretending* that Clay will get the vote in that State, if this were possible, it would be a Dangerous Movement, it would certainly and permanently divide the west and prevent Pennsylvania, from becoming the head of the Western influence, which She is now struggling for and will get if Henry Clay is not run by New York and Virginia. If this is done however and Adams friends should come over as they probably will the result will be the same. Adams is certainly strong in New York and if the People were left alone he would probably get the vote of that State.

P M MILLER

[Address: Jackson, Madison County, Western District]

To John McNairy.[1]

TENNESSEE. 2d. Sep. 1824.

Dear Sir.

In pursuance of a resolution of the General Assembly of North Carolina, the Secretary of State issued in 1823, certain Military Warrants to the Trustees of the University of that State, which were placed in my hands, with directions to assign to the Trustees of East Tennessee and of Cumberland Colledges, their respective portions, under the agreement entered into by the Trustees of the University, and commissioners appointed on the part of Tennessee; and, in July, 1823, the late Judge

[1]Copy, in Murphey's MS. Report on Western Lands to the Trustees of the University of N. C., Dec. 1, 1824, in collections of the University.

Tremble and myself divided these warrants, and I assigned to the Trustees of Cumberland Colledge the following: * * * and the part to the Trustees of East Tennessee Colledge to which they were entitled. Application was made to the last General Assembly of Tennessee, praying that provision might be made for the location of these warrants; the Assembly refused to make any special provision, and these Warrants were lately adjudicated in obedience to a Writ of Mandamus issued by one of the Circuit Judges, to the commissioner appointed for the adjudication of Land Claims; and the Warrants assigned to the Colledges of Tennessee were placed by Judge Tremble in the hands of Mr. Caruthers for location.

The refusal of the General Assembly of Tennessee to make provision for the location of these Warrants, being made known to the General Assembly of North Carolina, that body directed the Governor to address a Memorial[1] on the subject to the Congress of the United States; which Memorial was presented to Congress at their last session, and the consideration of it postponed, under the hope, it is understood, that the controversy between the two States would probably be settled in some amicable way. The General Assembly of North Carolina, at the same time that they directed this Memorial to be transmitted to Congress, with a view of removing the great objection which, it was understood, had influenced the General Assembly of Tennessee, ordered the Secretary of State to close the muster-roll of her Continental Line, and to issue to the Trustees of the University Warrants in all cases, where the officers and soldiers or their heirs had failed to apply for them; and in obedience to this resolution, the Secretary closed the muster-roll, and issued the Warrants to the Trustees of the University. Those warrants were also placed in my hands, with directions to issue to the Trustees of the Colledges of Tennessee their respective portions, and left them in the hands of Judge Tremble.[2] They

[1]Printed in vol. II. pp. 320-328. It was prepared by Murphey. After rejecting the University's memorial the Tennessee Assembly of 1823 forwarded a memorial to Congress praying that all the vacant lands in that state might be ceded to her, alleging that all *bona fide* North Carolina claims were either satisfied or provided for.

[2]These warrants called for 100,000 acres of land. Murphey tried to induce the secretary of state of Tennessee to adjudicate them, urging

are now in the hands of his Executor,[1] ready to be delivered to the order of the Trustees.

On behalf of the Trustees of the University of North Carolina, I have prepared a Memorial[2] to be submitted to the General Assembly of Tennessee at their session on the third Monday of this instant; and for them and the Trustees of East Tennessee and Cumberland Colledges, prayed that provision might be made for the location of the Warrants issued by North Carolina, in pursuance of the resolution of the General Assembly passed at their last session. To this Memorial I have annexed a copy of the Memorial transmitted to Congress, and prayed that it might be taken as a part thereof; and requesting that if the General Assembly should entertain any doubt of the obligation of Tennessee to make provision for the satisfaction of their Warrants counsel might be heard at the Bar of the Assembly; and stated that for this purpose the Trustees of the University had engaged the services of William L. Brown[3] and Alfred Balch, esquires.

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the judicial opinion in the mandamus proceedings under which the secretary had adjudicated the warrants issued in 1823, which had been previously rejected by the Assembly of Tennessee; but the secretary did not feel at liberty to do so, and the Supreme Court refused an application for another mandamus.—Murphey's MS. Report on Western Lands, Dec. 1, 1824, in the collections of the University of N. C.

[1]Trimble died in August, 1824. He and his law partner Grundy and Balch were the University's Tennessee attorneys. Murphey said in his report of Dec. 1, 1824: "Mr. Grundy, being a member of the General Assembly, and disposed in that character to serve the University and the Colledges of Tennessee, deemed it prudent seldom to appear before the public in the character of Counsel for the Trustees. But in Consultation with Judge Trimble and the other counsel, in conversation with the people, and in his place in the General Assembly, he has been eminently useful in combating prejudice. The great labor of Counsel in managing the interests of the University in Tennessee has, however, fallen on Judge Trimble and Mr. Balch, particularly the former; * * *."

[2]Printed in vol. II. pp. 328-332.

[3]"Mr. Brown," said Murphey in his report of Dec. 1, 1824, "was appointed to a Seat on the Bench of the Supreme Court of Tennessee in the Fall of 1822. He has resigned this Appointment and returned to the East, where he occupies the highest situation for talents and legal learning of any man in his profession in that State. He is a man of laborious Application, and his habits, no less than his talents, pointed him out as a fit person to succeed Judge Trimble in managing the interests of the University, and carrying on the necessary Correspondence with the Committee."

Will you permit me, Sir, on behalf of the Trustees of the University of North Carolina, to request you to submit the subject matters of this letter to the Board of Trustees of Cumberland Colledge, and solicit their cooperation in urging upon the General Assembly the propriety of making provision for satisfying these Warrants; and that for this purpose they appoint one or more agents to wait upon the Assembly; and should it be necessary for counsel to be heard before the Assembly, that they either employ additional counsel to the counsel employed by the Trustees of the University, or contribute their proportion of the Compensation which ought to be made to the counsel already employed.

On reaching Knoxville, I shall address a letter similar in its contents to the present, to the Trustees of East Tennessee Colledge, and request their cooperation.

With great regard, I am, Sir,

Your Obedt. Servt.

John McNairy, esquire — A. D. MURPHEY.

President, etc.

From Daniel Graham.[1]

MURFREESBOROUGH. 1 Nov. 1824.

My dear Sir.

Our General Assembly adjourned ten days ago, after a feverish session of nearly five weeks. They met in a determination to put down all land claims, and finally succeeded in rejecting the University Warrants on the day before adjournment, by a vote of 18-20. Major Murray[2] manifested his usual zeal and honest independence throughout the contest, and was ably sustained by Mr. Grundy; but a majority either would not or could not be convinced. Brown was heard at the Bar in behalf

[1]From Murphey's MS. Report on Western Lands, Dec. 1, 1824, at the University of N. C. Daniel Graham, a native of North Carolina, A.B., Univ. of N. C., 1812, was secretary of state of Tennessee, 1818-1830.

[2]Abram Maury, a member of the Tennessee House of Representatives, to whose care Murphey confided the University memorial.

of the University, and Crabb[1] for Cumberland Colledge. Brown's was the most splendid effort of human intellect that I have ever witnessed; Crabb's, as usual, was very respectable.[2]

To Treasurer John Haywood. UNIV.

HAW RIVER. 19th. Feby. 1825.

Dear Sir.

By the last Mail I received the enclosed letter from William L. Brown esq. of Nashville, the Gentleman, whom I engaged to take charge of the Interests of the University, after the death of Judge Trimble. I enclose it to you inasmuch as he suggests a Wish that he may have a Selection of a 640 acre tract of land. His Opinion as to the Ultimate Success of the University is well founded, I expect; and Why the Memorial to Congress has not been attended to by our Members at the present Session of Congress, I cannot conjecture. No one seems to pay the least attention to it.[3]

* * * * * * * * * * * * *

[1]Col. Henry Crabb, a prominent lawyer of Nashville.

[2]In the *Raleigh Register* of Nov. 9, 1824, is an account of the extraordinary conduct of Balch, the University's attorney, on this occasion. He proposed that the warrants should be adjudicated so soon as the Trustees should assign 1000 acres thereof to each member of the General Assembly of Tennessee. Grundy and others requested him to withdraw his proposition, stating that they had no doubt he intended it as a jest; but Balch refused to do so, and made a speech against the claim of the Trustees, of whom he spoke in very harsh terms. It appears that he thought he had not been justly compensated for his services to the University.

[3]"The following extract of a letter received by me lately from Daniel Graham, esquire, Secretary of State for Tennessee, shows his opinion as to the course which this State should take in relation to the Warrants of 1824: 'Some think,' says he, 'that the matter should now be permitted to rest for a year or two; but my opinion is, that the approaching Session of Congress will afford the best opportunity that may shortly occur for an amicable adjustment. Genl. Jackson will be openly and decidedly in your favour, and the Representatives from our State will be more likely to deal liberally than at any Session for some time to come.' "—Murphey's Report on Western Lands, Dec. 1, 1824.

From William J. Bingham. M. MSS.

CHAPEL HILL. April 2nd. 1825.

My dear Sir,

When a correspondence is proposed to a young man, and himself is the only party who can derive any benefit from it, it seems a little strange that he should accede with reluctance to the proposition, especially if his views are at all aspiring. Be assured, Dear Sir, that I entertain sentiments of becoming gratitude for your numerous kind offices, and that my slowness of compliance implies no suspicion of your sincerity, or light estimation of the consideration you have kindly bestowed upon me. You know enough of human nature to form a very correct conception of the feelings—the hesitation—the fear of intrusion, and the fear of appearing mean and ungrateful, with which I venture to comply with your solicitation. You will not fail too, to give me a little credit for another modification of *fear,* the fear of exposing my weakness and want of talents to your honour. By the way, I'll be candid enough to confess this the principal cause of my dilatoriness. But it is silly to wish to pass for more than a man is. Things will out at last; and it is better to be thought little of than to disappoint expectations: so I'll muster up resolution enough to expose myself in all my nakedness to your criticism: and since I have mentioned criticism, I hope you will not suffer delicacy to prevent your taking every liberty of correcting—advising, directing and scrutinizing in every particular when you may think it of advantage to me; and I promise you, that how little improvement soever I may derive from your suggestions, you shall not have to ascribe it to wanton negligence on my part.

My prospects for the next year are as yet uncertain. Mr. Sanders[1] will probably resign his tutorship: but much as I am disposed to take your advice, I am not inclined to succeed Mr. Sanders. His is the lowest of the tutorships. He deals exclusively with the Freshmen. Besides, there is an objection to living in the main building. I spoke to Mr. Mitchell[2] some time ago on the subject. He seemed to enter warmly into my

[1]Joseph Hubbard Saunders, tutor at the University, 1821-1825, father of Col. William L. Saunders.

[2]Elisha Mitchell, professor of Mathematics.

views, and insisted upon my fixing my eye upon it. Mr. M. is an honest ingenuous man; and I cannot esteem his apparent friendship a matter of mere courtesy. Upon my objecting to Mr. S's place, he told me it was quite probable that there would be two vacancies at the end of the next session, at which time I could have a choice.

In the mean time I am at a loss how to dispose of myself. Mr. Lutterloh (Charles) and Mrs. Jones are projecting the establishment of a school for the education of their children. They have applied to me to take charge of it; and it is not improbable that I may do so for six months.

My senior year has been spent rather unprofitably, so far as the studies of college are concerned. I lost so much ground last session in consequence of sickness, that I despaired of recovering it, and gave myself up too much to promiscuous reading, to the neglect of my studies except such as amused me. I look back with regret to my loss of standing. But after all, college distinctions are of no great advantage in after life. Perhaps you w[ill say] the 'grapes are sour'. Very true. But a poor fellow is in a wretched predicament when he can find nothing to console him.

I was truly sorry to hear on my return from home (where I had spent a week) that Umstead had been so unwell as to cause his mother much alarm, and induce her to send for him. I hope he will soon be well enough to return. How much happiness would it afford me to repay to your son the kindness you have shown to me.

With best regards for Mrs. M. and family

I am Dear Sir with sentiments of esteem and gratitude,

Yours

[Address: Haw River.] W J BINGHAM

From Captain Herndon Haralson. M. MSS.

JACKSON 12th. April 1825.

Dear Sir.

I presume this letter may reach you before you set out for Tennessee. I write you often; tho receive no answer, and

untill you complain of postage etc. I suppose a letter now and then may be acceptable. Having less to do than you have, perhaps is another reason why I trouble you more frequently. The great excitement for the Presidential Election having passed by; we begin to turn our attention to the things in which we are interested at home. The cotton market in this Country seems to engross the whole attention and conversation of the planters. The prospects there is, for geting a fair price at the New Orleans market has and will induce the planter to go largely into that crop. The situation in which I am placed on account of my removal requires however that I should make nothing but corn.

Since I wrote you last the lots in the Town of Brownsville, Haywood County, has been sold.[1] They sold high; was purchased chiefly by those at a distance: Some by lawyers, some by Doctors and the most valuable on the public Square by Merchants. This landing of Colo. Nixons[2] which you see Advertised in the Jackson Gazette on Flowers tract of land, is opposit the Town, and not more than three and a half or 4 mile distant with a fine road. The landing is a beautiful Site; this together with the prospects of the navigation for Steam boats to that place, seems to please every body that have seen it, and this with the advantage of their being much fertile lands in the neighbourhood have turned the attention of many to Brownsville. Several keel boats have been up to this warehouse with flour, Cyder etc. A Merchant who bought a lot for the purpose of Opening a Store in Brownsville landed his Boats ladened with goods from St. Francesville a few days since, they are waiting in the warehouse till his house is built.

Paoli Ashe has been here; he went down to see the land he bought of you on the Forked Deer. * * * Lands continue to sell low about Brownsville. It must be oweing to the great Scarcity of money.

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[1]Under laws passed in 1823 and 1824 Haywood County and several other counties were established and lots in the county seats were sold at public auction.

[2]Col. Richard Nixon, a native of New Hanover County, N. C. See *Old Times in West Tenn.*, pp. 236-238, 256.

* * * Colo. Alexander[1] is not yet arived from Congress, who he has been expected for some time. He will have four Candidates to Contend with at next Election, to wit. Colo. Terrell,[2] Colo. Crockett,[3] Doct. Walker and Colo. Tho. Person of Shelby near Memphis and probably Major Hess.[4]

The Court of Chancery opened yesterday for the first time at this place; Judge Catron[5] presided. Hughes has 7 Suits on Docket. Eighteen lawyers were quallified and enrolled agreable to their licences; Two of them from Nashville: Fogg and Washington. One injunction disolved. To day Court adjourned till Court in Course. I was this day presented with a line from you by Mr. Bazzill Gater[6] of Rowan wrote while attending the County Court at Salisbury. Mr. Gather was hastening to the Sale of lots at the County seat in Hardiman which commences Thursday. He is pleased with the Country and will be up next week. Judge Haskell is this moment from Memphis. He says they have received news at the Bluff that on the Arival of Genl. Lafayette at New Orleans, the French united and gave him a reception more Splendid than any thing yet discribed on that subject in this Country or perhaps ever known in the World before. The Steam Boats at that place was waiting for a Collection of about Twenty when they were to Move up Together to the Mouth of the Cumberland River; they are expected to pass Memphis in a few days with flaggs flying. At that place they have collected 5 or Six Cannon to give them a Salute as they pass. I am well and so is my family and Mr. Hughes. God bless you.

H. HARALSON.

[Address: Haw River Post Office.]

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[1]Adam R. Alexander.
[2]John Terrell.
[3]"Davy" Crockett.
[4]Wm. R. Hess, of Brownsville.
[5]John Catron, afterward a justice of the Supreme Court of the U. S.
[6]Basil Gaither.

To Colonel William Polk. M. MSS.

HAW-RIVER. 1st. May 1825.

Dear Col.

If your engagements will permit You to delay the enforcement of the Contract with the late Mr. Jenkin Whitesides, Untill the Summer of 1826, might I be permitted to solicit this Delay? I understand the Debt is amply secured. My Character, my Feelings and my Interest are concerned in this Business. The Heirs have looked to me to pay this debt;[1] but I have found it impossible to make Arrangements for its Payment at an earlier Period than the Summer of the next year. If, Sir, You will grant this Delay, the Debt will be paid; And as a Proof of my Gratitude, I will inscribe to You my great Work on North Carolina.

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[Address: Raleigh.]

To Robert Hughes.[2] M. MSS.

HAW-RIVER. ORANGE. NORTH CAROLINA. 21 June "25

Dear Sir.

The Fever which afflicted me last Fall, returned upon the Coming on of the hot Weather this Summer, and has disabled me from going to Tennessee. I regret it on many Accounts, particularly as I had hopes of being able during this Year to free myself in a great degree from Difficulties. I must however submit to my Lot without Repining. I have sent out my Son Moreau, who will hand You this Letter, and whom I beg to introduce to your Acquaintance. As I am incapable of mak-

[1]This was a debt of $4500 originally incurred by John Rice, for which Judge Murphey and his brother Alexander were primarily liable.

[2]Robert Hughes (?-1846), a lawyer of Jackson, Tenn., was agent for the sale of Murphey's lands in that state. He married Elizabeth (Betsy) Murphey Haralson, a daughter of Capt. Herndon Haralson. In the thirties he removed to Jackson, Miss., where he was very successful at the bar and became a judge.—Herndon Haralson MSS., in the possession of Mrs. T. D. Russell, of Brownsville, Tenn.

ing much exertion myself, I must entreat You to be active in forwarding my business. I am so weak that I cannot write to You as I could wish, * * *

From Charles Fisher.[1] M. MSS.

SALISBURY 11th July 1825

Dear Sir.

* * * * * * * * * * * * * *

Perhaps, you have noticed in the Na[tiona]l Int[e]l[ligence]r a long communication on the gold Mines of No Ca—in which they are very much derided, and ridiculed. The whole piece, is a string of misrepresentations, and falsehoods. I have it from good authority, (at Washington) that the writer is Doctor Shoeman of Salem. I saw Culpepper,[2] and, found, that he felt a disposition to reply to the piece. I urged him to the measure. He will, in a short communication to the Nal. Inr., contradict the Doctor's assertions, and state a few facts, that will settle the contest. This letter of Culpeppers, will be all, that is necessary to be done in the business, at this time.

The Congl. contest, I believe, is going on very well in this district. If, you can reach over into either of the lower Counties, pray do so, and, give us a lift. In the adjoining District, King[3] has declined, so, that the battle is between Williams[4] and Franklin.[5]

My best wishes for the speedy restoration of your health, and believe me Sincerely Your friend and H S.

CHS. FISHER

[Address: Haw River.]

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[1]Charles Fisher (1789-1849), of Salisbury, was state senator, 1818; member of Congress, 1819-1821, 1839-1841; in the House of Commons, 1821-1823, 1826-1831, 1833, 1836, and speaker thereof, 1830-1831; and one of the most useful delegates in the constitutional convention of 1835, he having been long the chief advocate of the West in the movement for the convention. He was a firm democrat and a party leader of great influence.—Wheeler, *Hist. Sketches of N. C.*, I. 391-394.

[2]John Culpepper, of Montgomery County, representative in Congress.

[3]Samuel King, of Iredell.

[4]Lewis Williams, of Surry, a member of Congress from 1815 to 1842.

[5]Meshack Franklin, of Surry.

To Colonel William Polk. M. MSS.

HAW-RIVER. 13th. July 1825.

Dear Col.

Have you a Copy of Botta's History of the American Revolution? and of the Journals of the Continental Congress? If You have, lend them to me during this Summer; And send me Any Other Work relating to the Revolutionary War or the early History of the Provinces, that You may be in possession of, Among Others, A Copy of your Pamphlet[1] respecting the Declaration of Independence at Charlotte, with Mr. Adams's Letter[2] on that Subject. Send also your Biography[3] and such Other Memoranda, as you have prepared. Send them by the Stage Driver, directed to me at Haw-River.

My Health is improving, and I am engaged in Arranging the plan and Details of our Colonial History.

Yours Very truly.

Col. William Polk. A. D. MURPHEY.

I have Lee's Memoirs, Johnston's Greene, Tarlton's Campaigns, Ramsey, and Marshall.

[Address: Raleigh.]

To Judge Ruffin. RUFFIN MSS.

HAW-RIVER. 24th. July 1825.

Dear Ruffin.

I approve of your determination to go again on the Bench.[4] The General Assembly and the Community will thank You for it. Where will you go this Fall? If to the low Country, prepare yourself before you set out, by geting rid of all super-

[1]Printed in 1822. See W. H. Hoyt, *The Mecklenburg Declaration of Independence*, p. 13 n.

[2]John Adams to John Williams, Apr. 30, 1822, printed in W. M. Polk, *Leonidas Polk, Bishop and General*, I. 43-44.

[3]See vol. II. p. 400.

[4]He was appointed to the Superior Court bench July 15th in place of Badger, who resigned.

fluous Bile. If there be a Vacancy in the Supreme Court, you will certainly fill it: and I think if there be a suitable Character that can be selected from the Circuit Judges, that body have Claims above all Others. But no Vacancy is to be expected, except from Death, and all the Judges of the Supreme Court are healthy and robust, live easy, and promise to live Many Years.

I shall certainly attend Orange County Court Regularly, and attend *in Court*. I shall attend Guilford on the Week preceding and be in Hillsboro' on Sunday evening. I know not the Reason, but I never could make much Money in Orange. I will make Another effort: Perhaps better fortune may attend me. I will gladly wind up your Business in this County. As to Chatham, it interferes Spring and Fall with Caswell or Person Superior Courts, And this will prevent my Attending the County Court Regularly. I shall Attend the Superior Courts; but if Mr. Strange[1] will come up, I should be glad for him to get Your Business in that County. He is a worthy Man, and I understand, has been latterly unfortunate. If you will point out any of your Business, which I can attend to, it shall be attended to with Diligence.

During the present Fall I can let you have Bonds to a considerable Amount; the Sum I cannot state, but it will probably exceed $3.000. I have several Contracts on Land, which my late Indisposition has prevented me from closing. One of them for about $11.000. is in Suspense Untill some intelligence can be had from Tennessee. I have given directions to Mr. Dickens and Mr. Hughes to bring all my Lands in the Western District, not in Controversy, into the Market as quickly as possible; and I calculate upon considerable Sales being made during the ensuing Fall and Winter—: and I shall labour incessantly to reduce my debt to You, within the next Year, to $10.000. I hope to do it. I know that your Resources being now diminished, it behooves me to be more diligent in raising Funds for You; and every exertion that a shattered Constitution will permit me to make, shall be made to aid You.

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[1]Robert Strange. See *ante*, p. 97.

I had a Letter from Moreau of the 5th Inst. He was then near the Cumberland Mountain. All well. He is now, I expect, on the Hatchie. My Agent gives in your Lands and pays the Taxes. I will see you before you set out on the Circuit.

Yours. Affectionately.

Thomas Ruffin esqr. A. D. MURPHEY.

[Address: Hillsborough.]

From Victor Moreau Murphey.[1] M. MSS.

COLUMBIA TENNESSEE.
14th. August 1825.

My dear Father.

On my return from examining your lands, I found to my great satisfaction a letter from you, being the first intelligence I had received from home since I left there. The information concerning your health was truly gratifying, but regret deeply that Mamma's health has not improved. You exercised great prudence in declining visiting Tennessee this summer. The excessive heat of the weather, is and has been such that you could by no means have transacted business. I, though my health is as good as ever it was, have suffered extremely. This summer is thought to be much warmer than usual. Crops are cut extremely short by a long drought. The farmers are waiting daily and impatiently for rain.

When I returned to Jackson I found Uncle Haralson's health much improved. The other part of the family were well. We had rather a laborious rout down to the Hatchie lands and your other lands.[2] From Jackson we went on to view your

[1]Victor Moreau Murphey (1805-1862), second son of Judge Murphey, named after the French general who came to America in the year of his birth, was educated at the Bingham school and at the Univ. of N. C. (A.B., 1823; honorary A.M., 1829), began the study of law and then studied medicine in Philadelphia. In 1835 he removed to Macon, Miss., where he gained a high reputation as a physician, was elected to the state legislature in 1838, and was clerk of the Circuit Court, 1859-1862. In 1861 he was commissioned as surgeon of the 5th Reg. Miss. volunteers. He left three sons and three daughters.

[2]Three prospective purchasers of Judge Murphey's lands accompanied Moreau from North Carolina.

lands north of Hatchie that adjoin Capt. Estis.[1] At his house I was most hospitably treated. He manifested great indications of pleasure at seeing me at his house and insisted on my spending several days with him. He is well known throughout the district, and sustains a respectable character—one which adds greatly to his credit. He is looked upon as the most persevering, industrious man West of the Tennessee River. In fact the improvements on his plantation confirms that belief. He has planted nearly a hundred acres in Corn, 40 or 50 in Tobacco, and a few in Cotton, dug an excellent well and furnished himself with every thing which a new Country could afford. All this has been done since last fall. He has also a most desirable piece of land. From his house we went to the South of Hatchie and viewed that tract in Tipton. This is a most beautiful piece of land, but contains rather too much low-grounds. I did not see all the tract, especially that Part immediately on the river. Mr. Jennings[2] was much pleased with this but was fearful from its situation that it would be unhealthy. We went from this down to Memphis, where I had the pleasure of washing my hands in the Mississippi River. This is not even to be compared with any stream I ever saw before. Memphis is situated on a high bluff, and affords a most delightful prospect of the River. Here I met with the first old field I had seen after leaving Nashville, and which immediately arrested my attention. I must confess I was disappointed in my expectations with regard to the improvements of the place. The whole Town does not contain a decent looking house and but one or two respectable looking men, who were citizens of the Town, Mr. Winchester[3] and Dr. Graham,[4] a native of North Carolina and a son of Genl. Graham of Lincoln. He is well situated for making money. It is my impression that no part of the Western District affords a more extensive practice to a Physician. Scarcely a family in the place but some were sick. Our Land-

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[1]Joel Estes, an immigrant from North Carolina. See *Old Times in West Tenn.*, p. 170.

[2]Hiram Jennings, in company with Moreau.

[3]Major Marcus B. Winchester, a merchant and banker of Memphis, distinguished for his courtly manners. See Davis, *History of Memphis*, pp. 56-85.

[4]George Franklin Graham.

lord was at the point of death. Dr. Graham was constantly engaged. Mr. Winchester was particularly kind to me, invited me to his house and shewed every disposition to render me agreeable while there, and told me any thing in the world he had, if I stood in need to Call on him for it, and even went so far, as to tell me if I should be unfortunate while in this Country and get out of money, to apply to him. To meet with such a friend at that distance from home, and in the midst of Strangers, is a circumstance which seldom happens and one which I shall long remember. I then saw Mr. Laurence.[1] I had intended going to his house. He lives 4 or 5 miles in the Country. But my horse was much fatigued and began to decline. * * *

In this Country though far from home I meet almost daily with friends, which circumstance I attribute solely to your good reputation and large circle of friends and acquaintances. If they be not personally acquainted, they are acquainted with your character. This brings me into notice, and my situation here is far more pleasant than I had anticipated. But in all my travels never have I met with three kinder men than Cols. Henderson,[2] Johnson and McKinney. Had I been their own son, more kindness could not have been bestowed upon me. Col. Henderson met us at Jackson just as we were about setting out for this place. He appeared trnly to regret that we had never before called upon him, and positively declared that we should go and spend the evening with him, which we accordingly did. The next morning, We wished to set off, but we were compelled to spend the day, and could scarcely get off the third day. He is certainly one of the most worthy men in the world, and I am convinced if you have any true friends in the world, he is of the number. If I can possibly do so I will write to Mamma this evening. If not give my best love to her and Grandmother and kiss Jane. I must write to Cornelia as I suspect Mr. Jennings will go thro' that neighbourhood. My love to W[illiam] and Betsey and when you see Mr. Ruffin and Cousin Anne the same to them and say to them I have not forgot them, nor the kindness with which I have been treated under their

[1]William Lawrence. See Davis, *History of Memphis*, pp. 310-311.
[2]Thomas Henderson, late of Raleigh.

hospitable roof, and to all my relations in Hillsboro. I was glad to hear that Alexander had gone to school, and also Umstead. When you see them or write give my love to them and tell them I say they must exert themselves, and make smart men.

Write to me as soon as you receive this letter. I have endeavoured to explain to you as well as possible how I am progressing with your business. My respects to Mr. Bingham and all friends.

Very Sincerely and affectionately your Son

VICTOR M. MURPHEY

A. D. Murphey, Esqr.

N. B. My note to Dr. Webb is due. I wish you would be good enough to attend to it. V. M. M.

In directing your letters to this place put on the back A. D. M. P.M. The post Master at Jackson would scarcely permit to take my letter without paying postage. As this is the last letter I may probably write before I set out for home, I have one request to make, Viz. If I should get the sum you requested me to carry home and a few dollars over, may I get a suit of clothes in Nashville. This is probably an extravagant request, but I leave it for you to say. V. M. M.

[Address: Haw River.]

From Robert Hughes. RUFFIN MSS.

JACKSON August 19th 1825.

Dear Sir

* * * * * * * * * * * * *

We have been and are stil in some suspence about the result of our elections for Congress and House of Representatives and Senate in the State Legislature. Our Bear Hunter and Coon Catcher the beautiful deacent and accomplished Colo. David Crocket was in an ace of being elected to Congress but the people have shewed good sence for one and have elected Colo. Alexander by a small majority. Duncan McIver a Scotchman from Moore County in your State has been elected to the house

of Representatives by a large majority over Dr. Butler of our Town. * * * Colo. Arnold has been beat for the Senate by Dr. Walker with the result of this election although I had rather Arnold was elected yet Walker is a clean fellow and will well represent the People. What I have stated is not the certain result of our elections but only hear say. Therefore it is we are in suspence.

Betsy Presents her love to yourself and Mrs. Murphey. Capt. Haralson family are in good health. My two Boys grow astonishingly in mind and body. Present me respectfully to Mrs. Murphey. I am your Friend

ROB. HUGHES.

From Judge Ruffin. M. MSS.

LAWRENCE-VILLE. Sepr. 15th. 1825

My Dear Sir—

Just as I am going to Court, a Pedler informs me that he will be in Pittsborough next week and offers to carry letters for me. I have only had time to write a few words to my wife, which I enclose to you with the request that you will forward them by some of the Hillsborough gentlemen.

As yet I have met with small dockets and unimportant suits, through which it has been easy to get. I am warned however that next week at Anson I am to look out for quite the Contrary. The gentlemen of the Bar are quite polite and friendly amongst themselves and respectful towards the Court—which makes my duties much less difficult than they might be. I find but one fault among them, tho' that is a capital one—a great want of *preparation* both upon the facts and the law. Upon the latter point they have thought only enough to create difficulty but not to aid the Court by argument; while the former fault leads to great prolixity in the examination of witnesses and delay in geting a Cause to the Jury. But I bear it tolerably and try my best to excite them to more diligence.

You and Mr. Winston[1] must take Special care of my Chatham Clients.

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[1]Patrick Henry Winston.

Write to me as you promised from Pittsborough and often during the Circuit. Address the letters to Fayetteville.

Excuse this short note, as I am obliged to go to Court.

Your friend

[Address: Pittsborough.] THOMAS RUFFIN.

To Judge Ruffin. RUFFIN MSS.

SALISBURY. 9th. Octo. 1825.

Dear Ruffin/.

I have often heard from you on the Circuit, And the ease with which you get on is a Subject of general Conversation. I am not disappointed in this, and I am greatly gratified at it. You will leave Your Circuit with the esteem and good Will of the People Attending You. We have long wanted a Man on the Bench of energy, Method, Dispatch and Understanding. I sincerely hope your example will be followed. I have Fears of your Health. This warm Weather, which, at the Season of hoar frost, recalls the Remembrance of the hotest Part of August, will make us all sick. It has prostrated Judge Paxton. He has done no Business, since he left Orange, except on one day at Randolph. He sat in Court for a short time, three days at Chatham, and two at this place. He is better and probably may do business towards the Close of next Week at Davidson. *Here* the Country is healthy; every where else that I have been, it is very sickly. I have had fine Health and I hope it will continue. Thus far I have had as good fortune on the Circuit as I could expect. This is the end of the fifth Court. I have Received about $300 in Cash, and secured about $600. I shall probably Receive and secure $200 on next Week, and Afterwards my Prospects will be rather dull. Money is scarce and no business is done. We have moved on more harmoniously than Usual, And Nothing has Occurred worthy of much Notice, except the Trial of Warner Taylor, About which much could be said, and which I will relate to You When we meet. Badger and myself defended the Overseer. He was cleared very easily. Taylor was guilty of a most foul Murder.

Mr. Hayes, who has had a Daughter with Mrs. Jones,[1] came to town on Yesterday from Col. Jones's. He says, Catherine[2] is in good Health, And all Col. Jones's Family; but that it is very sickly in the Neighbourhood. Your Family were all well when I last heard from them. I had a Letter from my Wife by Mr. Hayes: she is in her usual Health; some of the Negroes sick, and several deaths in the Neighbourhood.

I forwarded from Randolph $200 to Wm. H. Haywood for You, which I hope reached him in good time.

I have had two Letters from Moreau, since I saw You. He informs me that "Baldy Holt has purchased a Tract of my Land for About $4.000: And that Mr. Hughes had made several Other Contracts, but of less Magnitude. Moreau will probably reach home About the 20th November. He seems to have got on with my Business pretty Well. There are nearly an hundred Families in Orange, Chatham, Davidson and Rowan, who are moving to the Chickasaw Purchase, this Fall. The emigration is Astonishing.

I shall go home from Stokes. I want a few days of Leisure to complete the Plan of my Work on North Carolina. If you can pick up any old Books, Newspapers, Pamphlets or Manuscripts that will aid me, I beg you to do so.

Mr. Beattie[3] says, he will meet you next Week. He is a fine young Man, has good Feelings and sterling Merit. I am much pleased with him. I hope he will find you in good Health and Spirits. God bless You! my dear Friend.

Yours. Affectionately.

Judge Ruffin. A. D. MURPHEY.

[Address: Bladen.]

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[1]Mrs. Jones, wife of Col. Edward Jones, the solicitor-general, conducted a private school for young ladies at her residence in Chatham County, near Pittsboro.—*Carolina Observer* (Fayetteville), Feb. 3, 1825.

[2]A daughter of Judge Ruffin.

[3]The bearer.

From Rev. Theodore Shulz.[1] M. MSS.

SALEM. Novr. 10th 1825.

Dear and honored Sir,

Although contrary to my wishes personally unacquainted with You dear Sir permit me to address myself to You about our old Suit in which Your valuable services[2] rendered to our cause never will be forgotten by us and respecting to the same my dear predecessor Mr. L. De Schweinitz[3] assured me of Your willingness to defend us in future if ever said suit should come to the supreme Court again, which will be the case now.

At the fall term of Iredill Superior Court 1822 Gl. Lenoir made a motion for making new parties without any judge acting thereon afterwards, last Year or correctly last spring term he renewed this motion which was last week after our councils able argument overruled by Judge Nash as likewise our motion for dismissing Gl. Lenoirs petition of rehearing and on account of this bill's pending eleven Years in Iredill Superior Ct. and of the firm Conviction Judge Nash ever had and now had that the inferior Court could not act with any propriety upon a decree or points of a decree made by the highest tribunal he sent Lenoir back to seek his redress in the supreme Court at Raleigh according to his affidavit. The copy of this order I enclose hereby. Having after Your kind advice often and in particular two Years ago tried our uttermost to come to a compromise with Gl. Lenoir but in vain, as Mr. Welborn and Stokes would not give up a piece of land now in possession of young Lenoir conveyed by his father to him, and being fully convinced that a fair compromise never could be performed, we have no other remedy as returning with Gl. L——r to the supreme Court again confiding in the justness of our cause and on Your able and faithful defence and total acquaintance with all the intrinsic points of our controversy next divine guidance and assistance.

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[1]Theodore Shulz was a member of the governing board of the Moravian congregation at Salem, which established the Salem Female Academy in 1802. See J. H. Clewell, *History of Wachovia in North Carolina.*

[2]See *ante*, p. 70.

[3]Rev. Lewis David de Schweinitz, a distinguished botanist.

It seems to have been the plan of Gl. L——r to tire and detain us as long as possible till some of our venerable old Judges of the Supreme Court should have resigned or departed and having been informed that in case of Gl. L——r's death his son in Tenessee intended to bring this suit to the supreme Ct. of the Unit'd States we think it rather preferable of going now to Raleigh Supreme Court always hoping the same Judges who made the decree 1814 would and could not alter their minds, as Gl. Lenoir's petition for a review contains nothing but points amply discussed and decided in supreme Court. It seems to me tho' not conversed in law very curious then that said Tribunal would reconsider all the points wholy argued and determined before—again; still we ought to be prepared at all events, and therefore permit me dear Sir to intreat You to continue our Council in pleading our just but difficult intricate case as much as in Your power to Your known abilities. Esqr. Pet. Browne is determined not to attend the bar. If You find it necessary to engage some other council more please to inform and advise me. The suit of Mr. Welborn and Stokes—Waugh and Finley pending in the supreme Court is probably known to You; Welborn etc. Councils are Mr. Gaston and Seawell, and as this case will be decided according to the principles of our old Suit, Judge Henderson declared last term, on which the same was not argued on acct. of Mr. Gastons sickness, that they expected our Suit again in Supreme Court, and then to be decided. Mr. Gaston and Seawell promised Mr. fr. Meinung in case of our wanting them, to act for us willingly too. Let me know dear Sir Your opinion about engaging them to Your assistance. I think we should spare nothing but do our best to get the old decree confirmed, having a strong antagonist in Mr. Badger who is engaged by the other side. In Iredill from whence I and Mr. Meinung returned the 7th. inst. I could only get a copy of the enclosed Order but I requested Mr. Welborn to procure copies of all transactions recorded in that Court about Lenoirs petition and affair; his first petition for rehearing seems to be recorded 1819 which should have been done 1814. All other documents relating to said suit are in our hands. The wills of Fr. Marshall and Benzien are certified

by Stokes Cy. Clerk a new and shall be brought to Raleigh next Jany. term with us, if You don't want them before.

I need not tell You respected Sir, that all Your troubles and further services shall be duly and with gratitude acknowledged if we only could give the whole affair a final and successful blow.

Please excuse my bad english. It comes from a native of Germany who recommends himself to Your favor and friendship remaining respectfully

Dear Sir
Your
most obdt Servt.

[Address: Orange County.] THEODORE SHULZ.

To Colonel William Polk. M. MSS.

HAW-RIVER. 18th. Dec. 1825.

Dear Col.

On last evening I Received the Nashville Whig of the 28th. Nov. in which is Announced the Passage of the Bill, for locating the Warrants of the Trustees. The Particulars of the Bill are not given; but the Substance is, that *all* the late Warrants issued to the Trustees, covering, I believe, as stated in the Paper, 105,000 Acres, (a mistake, I expect) are to be disposed of as follows:

1. Certificates are to be issued, which Occupants may purchase at 50 Cents Per Acre, each Certificate not to authorise the location of more than 100 Acres. This Provision is to extend to present Occupants and all persons who may become such by a certain day next Summer (day not set forth)—but to extend to no one who is the Proprietor of as much as 160 Acres of Land.

2d. After that day, Certificates are priced at a Dollar Per Acre, for a certain Period.

3. All the Lands covered by the Warrants, and not located under Certificates are then to be advertised and sold by the

Register of the Land Office for the Western District,—the Proceeds to be paid into the Hands of the Treasurer of West Tennessee; and these Proceeds and the Money arising from the Sales of Certificates to be divided.

4. One third to be paid over to the Trustees of the University. One third to the Trustees of the Colledges in Tennessee. And one third to form a Fund for Common Schools.

This is the Substance of the Act as I understand it. The Certificates may be located in any Part of the District.

This is an artful Contrivance to get clear of the Trust which attached to the Warrants under the Resolution of our Genl. Assembly.[1] Where *now* can a Claimant go for his Land? It is mixed up in Mass with an hundred other Claims, converted into Money, and that Money divided into three parts. I think, it is an admirable Contrivance to secure the Trustees from Suits, and was no doubt in part intended to have this effect. We shall realise ten or fifteen thousand Dollars from the Plan.[2]

In great Haste Yours truly.

A. D. MURPHEY.

Col. Polk.

[Address: Raleigh.]

[1]The resolution directing the issuance of these warrants (Laws of 1823, p. 98) provided that the Trustees of the University should hold them, or the lands entered by virtue of them, in trust for the officers and soldiers entitled to them, or their legal representatives, until Jan. 1, 1831, at which time the trust should cease if they were not applied for. *Cf.* G. E. Badger, *A View of the Question in Controversy between the University of N. Carolina and the Claimants of her Western Lands* (Raleigh, 1826); Battle, *Hist. Univ. of N. C.*, I. 394 *et seq.*; Laws of 1824, ch. 10 (providing that no military warrant should be issued after July 1, 1825).

[2]This act was by its terms inoperative unless accepted by the University. The Trustees gave their assent, and they received under it $15,002.68. See Battle, *Hist. Univ. N. C.*, I. 384.

To Willie P. Mangum.[1]

HAW-RIVER. N. CAR. 20th. Dec. 1825.

Dear Sir.

I enclose to you an Outline of the Plan of my intended Work on North Carolina,[2] And beg you to look out for Papers, Documents or Books, that will throw any light upon any Part of the proposed plan, particularly the Historical Part. Perhaps you may find some at Washington in your Searches for other Papers.

As to the Memorial, it is presented; but I have no Idea that any such Aid will be given as my Work will require. I thought, however, public Notice might be thereby drawn to the Subject, and some Men be induced rather to send me their old Papers, and Pamphlets, than to cast them into the Fire.

With much Regard, I am, Dear Sir,

Yours. A. D. MURPHEY.

Willie P. Mangum, Esqr.

[Address: Washington, D. C.]

[1]A. L. S., collection of Dr. Stephen B. Weeks, of Trinity, N. C. Willie Person Mangum (1792-1861), of Orange County, A.B., Univ. of N. C., 1815, A.M., 1818, LL.D., 1845; studied law under Duncan Cameron; was in the House of Commons, 1818-1819; judge of the Superior Courts, 1819-1820; member of Congress, 1823-1826; again judge, 1826, 1828-1830; U. S. senator, 1831-1836; state senator, 1840; again U. S. senator, 1840-1853, and president of the Senate *pro tem.*, 1842-1845. He supported Crawford in 1824, was a Jackson elector in 1828, and became a Whig.—Ashe, ed., *Biog. Hist. N. C.*, V. 236-258.

[2]With the letter is a printed pamphlet containing Murphey's memorial of Dec. 5, 1825, to the General Assembly, soliciting aid in the prosecution of his history of North Carolina and outlining its plan. See vol. II, pp. 333-340.

From John D. Delacy.[1] M. MSS.

RALEIGH Decr. the 30th. 1825.

ARCHIBALD D. MURPHEY, ESQR.

Dear Sir

You will see by the papers that your Bill to authorise you to make a lottery has passed the Senate with an amendment.[2] This may delay it, if not defeat it as there seems some objection made to the amendment in the commons with a view to defeat the Bill altogether. I would therefore recommend to you to come here without loss of time, as your personal appearance and exertions will I well know insure its passage and ultimate success in the commons, and without it I am fearful your opponents may succeed in defeating it. I am very Respectfully and most Sincerely Dear Sir

Your Most Obedt Servt.

JOHN DEVX DELACY.

[Address: Murphey's Mills, Hawfields, Orange County.]

To Rev. Theodore Shulz.[3]

HAW-RIVER. ORANGE. 31st. Dec. 1825.

Dear Sir,

Your letter of the 10th ulto. only reached the Post Office at this place on the day before yesterday. It being directed to "Orange County," and there being many Post Offices in the

[1]John Devereux Delacy came to North Carolina in 1813 to make surveys and organize steamboat companies for Robert Fulton. Later he was engaged in the work of the Neuse River Navigation Co.—*Raleigh Register*, Apr. 30, 1819.

[2]Murphey's memorial was presented in the House of Commons Dec. 12th by John Scott, of Hillsboro, and referred to a joint committee, which reported a bill authorizing Murphey to raise $25,000 by lottery and permitting him to have access to the public records. The Senate amended the bill by cutting down the amount to be raised to $15,000 and restricting the classes of drawings of the lottery to three. In this form it was passed finally. Lotteries had long been a favorite device for raising money in aid of public enterprises, but there was a growing public sentiment against them.

[3]A. L. S., in the Moravian Archives at Winston-Salem, N. C.

County, it has travelled from one to another until it finally reached "The Haw-River-Post Office" at this place. You have no doubt thought me inattentive to the subject of your letter and wanting in common politeness in not sending you an answer long ago.

I thank you for your kind and friendly sentiments, and I assure you that I duly appreciate them, and warmly reciprocate them. Your society has been restful and kind to me, and I have always rejoiced when an opportunity offered to me to evince my respect for the Society and my wish to promote its welfare. Should it please Providence to enable me to complete my contemplated History of this State, I intend to make known to a class of readers who know but little of our Religious Society, the true character of that to which you belong, for Christian Charity, Benevolent Zeal and true Piety, A Society that applies itself to good works, and avoids all vain disputation; whose ambition is to teach men how to be useful and happy by conducting them along the paths of Humility, Resignation and Contentment, to that *true wisdom which cometh down from above.*

I should greatly regret that the decree heretofore made in the Moravian Case should be reversed, not only on account of the Society, but of the purchase of the lands. There was so much at stake and the opinions of men so uncertain, I felt very unwilling that a rehearing should be had. There is too much at stake, for the case to rest upon my exertions alone, and I earnestly recommend you to engage Messrs. Gaston and Seawell. They are eminent and have long been acquainted with the case. I shall go to Raleigh in a few days, and aid as far as I can in the case. At that place I expect to see you. In the meantime accept, dear sir, my good wishes, and believe me to be,

Very sincerely yours,

A. D. MURPHEY.

Rev. Theodore Shults.

From John P. Carter. M. MSS.

THE OAKS[1] Jany. 1st. 1826.

Hond Sir

We have been for two weeks expecting to See William and Moreau or to hear from you but have hitherto been disappointed. * * * I shall be down about the 20th or 25 Jany. by which time you will be returned from Raleigh, where I hope you will be able to do Something with your Lottery. You had best press the Subject of permission to raise $25,000. Cohen[2] will at once give you $15,000. I have Strong hopes you will get the Columbia Mission as Mr. Adams has not yet made the appointment.[3] I have written to Williams[4] to press the business. Perhaps some of your friends below might aid you in the business. Would to god you could get the Mission on your account as well as mine. I have not yet seen Ney[5] but expect him down daily. If he dont come this week I shall send down all the Books I have that will be useful to you: among them is Walsh's appeal, the History of the five Indian nations James the 1st. etc. I saw a few days ago Mr. Turner the Bookseller.[6] He has before this I presume called On you as he promised me to do. There is living in Hamptonsville a fine steady young man from New England by the name of Hough that can be procured on good terms to travel about and get Subscriptions for your work. He wishes to know what you will give and when you will have the Subscription and a Specimen of the work ready. * * *

[1]Carter's residence near the present town of Mocksville.

[2]J. L. Cohen, Jr., & Bros., lottery brokers of Baltimore.

[3]A few days before this date President Adams made the appointments of envoys to the famous congress of American republics at Panama, Columbia.

[4]Lewis Williams. Carter and Williams tried to obtain a foreign appointment for Murphey. See *The James Sprunt Hist. Pub.*, X. (1911). No. 2, p. 57.

[5]The mysterious Peter Stuart Ney, alleged to have been Marshal Ney. Murphey employed him to copy historical MSS., etc.—J. A. Weston, *Historic Doubts as to the Execution of Marshal Ney* (New York, 1895), pp. 170, 172, 173. See *post*, p. 362.

[6]Of Raleigh.

From Colonel William Polk. M. MSS.

RALEIGH Jany. 6, [1826.]

Dear Sir.

It is not only very desirable, but all important; that as large a meeting of the Land Committee should take place at as early a day as practicable. You are well aware of the necessity and importance of making up a legal opinion *here* for our Attorneys and Agents in Tennessee and also an answer for Dr. Hunt. The late Act[1] of Tennessee on the disposition of the 55 thousand Acre Warrants, also requires the Board to act soon on that subject so as to give the Boards answer to the Secretary of State by the 15th. of Feby. next.

Claims have been presented by Louis D. Wilson for a part of the *Resolution Warrants*[2] if not the whole and a proposition for a compromise etc. all of which demands the best judgt. to decide upon. Can't you come *soon*—let us know when?

Yours respectfully

WILL: POLK.

[Address: Haw River.]

From Allen J. Davie.[3]

HALIFAX, 17th January, 1826.

A. D. MURPHEY, ESQ.,

Sir:

Permit me to congratulate you on the resolution which passed the Legislature, authorizing you to have a Lottery. Your old friends throughout the State feel the greatest solicitude for its success and I am persuaded will make every exertion to promote it, when you have it under way. I hope you will have an office for sale of tickets at Halifax and myself with others will do all in our power.

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[1]See *ante*, p. 321. The legal opinion referred to was prepared by Badger.

[2]Old warrants delivered to the Trustees of the University pursuant to a resolution of the Assembly of 1821. See *ante*, p. 241n.

[3]From *State Records of N. C.*, XIX. 993-995. Allen Jones Davie, son of William R. Davie, was at the Univ. of N. C. with Murphey, a planter of Halifax County, a breeder and racer of fine horses and representative in the House of Commons in 1806.

In writing a History of this State it will be almost absolutely necessary in order to do justice to the part which we bore in the Revolution that you should have access to my Father's papers,[1] particularly to some books of correspondence written from 79 to 83 which shew that North Carolina supported the Troops of the whole Southern States and that without the aid of the Specific Tax laid by this State and placed under the management of my Father, General Greene would have been forced to disband his Army and the Cavalry of Virginia which they could not feed; that both man and horse grew fat on the Flesh Pots of Roanoke; circumstances for which, as a State, we have never either as a State or as individuals had justice awarded to us.

The last year of my Father's life[2] I looked over all these papers, and indeed the greater part of his correspondence, and he then explained much of it to me with a view to its future publication which with Parental fondness he thought me capable of, but I feel that on weighing the subject I am inadequate to such a Task and should be happy to place in your hands all those papers and also their explanations which were given me by him both as to the Revolution and also the Civil History of our State.

These papers are now on the Catawba at William Davie's where I shall send a messenger in a few days, and shall request my brother to send them to me, if they come and you wish to see them I shall be truly glad to see you at my house, where I can give you every explanation that you may want. Should William not be at home when my messenger gets there the papers will not come, but I am sure that William will let you have them according to a list which I shall send him; he himself knows nothing of them and indeed no one but myself.

All the papers connected with our mission to France in '99 are there, would you want them? They might afterwards be placed in the Library at Chapel Hill in memory of one of the

[1]Gen. Davie died at his home in South Carolina in 1820. For sketches of him, see Ashe, *Biog. Hist. N. C.*, VI. 188-197; Peele, ed., *Lives of Distinguished North Carolinians*, pp. 59-80; *James Sprunt Historical Monograph*, No. 7 (1907).

Fathers of that Institution; which would be a disposition of the diplomatic correspondence to which I should cheerfully agree.

Permit me to hear from you on this Subject, and believe me, with Sentiments of the greatest Esteem and regard,

ALLEN J. DAVIE.

From Junius A. Moore.[1] M. MSS.

March 2nd 1826

Dear Sir

I am requested by Mr. Robert Howe, the Executor of Genl. Benjamin Smith to state that by a clause in the will of said Genl. B. Smith, you are entitled to all his maps and early histories of North Carolina.[2]

By direction of the Executor I have selected the books and sent them to Hillsborough, from whence I presume you can obtain them at any time.

The bequest though perfectly inconsiderable in point of value, will however evince the respect of Genl. Smith for the *only* Historiographer of our State, for such a title would be too good fer Williamson.[3] With great respect

Yr. Obdt. Svt.
JUNIUS A MOORE
Smithvile, N. Carolina

Honble. A D Murphy
Orange County

N. B. The Maps will be held by the Executor subject to the order of Judge Murphy.

J. A. MOORE

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[1]Junius Alexander Moore, A.B., Univ. of N. C., 1816, grandson of Gen. James Moore of Revolutionary fame, was a lawyer of Wilmington. He removed to Alabama and died in early manhood.—Battle, *Hist. Univ. of N. C.*, I. 228.

[2]Among these rare books was an account of Carolina published in London in 1710. It was reprinted from this copy in the *N. C. Univ. Mag.*, IV. (1855) 289-305.

[3]This feeling toward Hugh Williamson's *History of North Carolina* (Philadelphia, 1812), from which much was expected, was general. It was described as a "cheat put upon the people of this state," "miserably defective, scarcely the skeleton of a history."—*Raleigh Register*, Nov. 11, 1825, June 2, Aug. 22, 1826; *Western Carolinian* (Salisbury), Jan. 10, 1826.

To Willie P. Mangum.[1]

HAW RIVER, 6th May, 1826

My Dear Sir/

I am still confined by the Rheumatism, but I am getting better as the weather becomes settled and Warm.

I wish you to write to Mr. Morse and say to him if he will forward to me to the Haw River Post Office his sheets on North Carolina, I will endeavour as soon as I can sit up and write to give him satisfactory information on all the subjects on which he requested it from you and Mr. Macon.[2]

As to the History of the State, tell him to Strike out every th[ing][3] that is contained in the former Editions of his Geography a[nd] adopt the Historical account to be found in an Ameri-[can] Edition of Guthries Geography published some years [ago] by Matthew Carey in a small quarto. This Article I [will] endeavour to improve when my health will permit.

I enclose to your care a letter to Mr. Everett[4] of the House of Representatives. It is open for your perusal. I beg you to present it to Mr. Everett, and Solicit his friendly aid on the several subjects therein mentioned. If I were able to write myself, I would write a long letter to him embracing much detail, but weak and feeble as I am I can only dictate a letter in general Terms.

I am glad to perceive that a better temper seems to prevail in Congress, and hope that you will all break up in peace and

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[1]In the handwriting of Victor Moreau Murphey. Willie P. Mangum MSS., in the possession of Dr. Stephen B. Weeks.

[2]In February, 1826, Rev. Jedidiah Morse, of Baltimore, applied to Macon and Mangum for information to be used in preparing a new edition of his *American Geography*, which he did not live to finish. Macon said that he did not believe himself qualified to comply with this request and sent Morse "an extract of a letter from Judge Murphy, with three pamphlets sent by him for your use, which were this morning received." A few days before Morse applied to him, Macon asked Thomas Jefferson, in behalf of Murphey, for information about the first settlement of North Carolina and its affairs until the Revolution. Jefferson wrote Macon that he was unable to aid him, owing to weakness of old age.—Macon to Morse, Apr. 15, 1826, in Murphey MSS.; Macon to Jefferson, Feb. 11, 1826, Jefferson to Macon, Feb. 24, 1826, in Jefferson MSS., Library of Congress.

[3]The portions enclosed in brackets are torn out of the original letter.

[4]Edward Everett. See *post*, p. 345.

friendship. I wish to get a Copy of the Engineers Report on the road from Washington to New-Orleans. If you have one to Spare, please forward it to me.

Yours truly and affectionately

A. D. MURPHEY.

Willie P. Mangum, Esqr.

[Address: Washington, D. C.]

To Robert Hughes.[1] M. MSS.

HAW RIVER. ORANGE COUNTY. NORTH CAROLINA

9th. May 1826.

Dear Sir:

I should have written to you many times before this if My health would have permitted me. But I have not had one day of good health since I left Mr. Thompsons on Crooked Creek in August 1824. I have before apprized you of the long Continuance of my Fever in 1824, and of its return upon me in the Summer of 1825 which prevented me from going to Tennessee last Summer. Moreau reached home early in December, and in a few days thereafter I was attacked by Inflamatory Rheumatism which brought me to bed on the 18th of January where I still remain and where I have suffered more pain than I thought it possible for human Nature to bear. I have been occasionally up and out endeavouring to attend to my business but these efforts in every instance produced serious Relapses. When I feel able to dictate a letter Moreau occasionally writes one for me I not being able to write myself and but little able to think. The Weather is now becoming settled and warm and I am evidently getting much better. Perhaps by the latter end of July I may be entirely well. This long indisposition has produced a great derangement in the State of my affairs, I fear in Tennessee. I have made no Provision for the Payment of my taxes for the Present Year nor those of Mr. Galloway

[1] In the handwriting of Victor Moreau Murphey.

which were confided to my Care. Nor have I since the Death of Mr. Thompson appointed any person to list the land for the Taxes. I must make an effort to write to you upon a few Subjects, to which I entreat your attention in a more earnest manner than I have ever done to any part of my business heretofore. * * *

Yours truly and affectionately

A. D. MURPHEY.

Robt. Hughes Esq.

[Address: Jackson, Tenn.]

From Allen J. Davie. UNIV.[1]

WELLDON PLACE 25. July [18]26

Dear Sir

Permit me to offer you my Sincere congratulations on your recovered health and also my best wishes for its continuance; through Col. Jones I had learned your indisposition and in common with your numerous Friends lamented your situation.

I did not see Mr. Adams[2] by whom you wrote he passed through the Town of Halifax and I live about 12 miles above, he has left the Ticketts at Halifax and I will do what I can for their disposal, it is unfortunate that they are left with gentlemen who are almost Strangers among us. I fear that my Brother William may have destroyed some of those papers that might have been of use to you, my children tell me that he burned many of our Fathers papers last year, the various offices held by my Father under this State is almost all the information I have connected with that subject. I have in my possession a part of his correspondence and some of his public records; intended to compile a biography, but would be little use in a history of No. Ca.

I have a most admirable painting in black chalk of my

[1]Printed in *State Records of N. C.*, XIX. 998-999.

[2]Meredith Adams, employed by Murphey to sell and distribute tickets in his lottery. The drawing was to commence at Hillsboro on the second Monday in September under the direction of Dr. James Webb. See *Raleigh Register*, July 7, 1826.

Father taken by Vanderlyn at Paris—a good likeness, you can have that for the use mentioned, in your letter, it is the only good likeness ever taken of him.[1]

It will give me great pleasure to give you any information and perhaps there may be some circumstances known (almost) only to me in which he was connected with the history, if caled to my recollection they will be promptly and cheerfully afforded you.

My Father was the Commissioner under the Specific Tax during the war, a copy of the law may be found in the acts of 82 or 81—and the final settlement of those accounts in I believe 83 will shew what N Ca did then and for which she has never had due credit: you will see that we led our proud neighbors both South and North.

My Father was one of our Delegates to the Convention in 87: at Philad[elphi]a and after with Judge Iredel and some others laboured to force that blessing on this State, he was almost the Father of our University and as you know watched over it with fostering care for many years. He also drew the bill and promoted the secession of Tennessee, a measure then thought of doubtful policy.

When you write you will please address me at Welldon P. O. Halifax; this letter goes to Hillsborough by a Servant of Col. Jones who will forward it to you

Accept my best wishes and
believe me truly your Friend
ALLEN, J, DAVIE

To Judge Ruffin. RUFFIN MSS.

LENOX CASTLE. 8th. Augt. 1826.

Dear Ruffin.

* * * * * * * * * * * * *

I think I still improve in my Health; but the Rheumatism Affects my Knees, so that I can't walk without a good deal of

[1]An engraving by J. B. Longacre from this drawing may be found in Sparks's *Library of American Biography* (Boston, 1848), XXV. (n. s. XV.) 1.

Pain; And indeed most of my Joints are affected. I hope the Water here will be serviceable to me. I shall stay eight or ten days and give them a Trial. My long Confinement has given me some patient Reflection, And darkened Prospects that were, not long since, Very flattering and bright. Excitement has subsided, and Passion and Feeling become cool. I think from the Observations I have made on my Constitution and Disease, that it is certain, I shall never be able to undergo great Fatigue, and suffer much Hardship Again; And I fear much greater difficulty will occur in making Payment to You of my debt, than I had anticipated, When the Debt was contracted. I have therefore determined to propose to You to take the Hermitage. Frankness requires that I should make this Proposition. I have before told you that I prized it before the Indies; But it must go, to enable me to do you Justice. I have been told that You wished to purchase Genl. Bethell's Lands on the Dan, for the Purpose of a Residence; and this has induced me to think that probably you might take the Hermitage. The Plantation is in fine Order for making a Crop, and I have had Rails made to fence in all the Lands between the Dwelling House, the Allamance and River. All the Houses have been Repaired, some new Ones built, and the Yard and Garden fixed Anew. The Barn has been thoroughly Repaired. The Repairs at the Mill and at Home have cost me upwards of a thousand Dollars. You can take all at $15.000, or at a less Sum, if you think that too high. There is no other Man that I wish ever to own this Property. It is really a little Paradise for a Family Residence; and I hope Anne would feel no Delicacy in moving to it now: the Case is very different from what it was before my Repurchase. You could make Money here from the Mill and the Store, as well as the Farm.[1]

[1]The Hermitage was situated three miles south of the site of Graham and about half a mile from the stage road leading from Hillsboro via Hawfields to Salisbury. A lane ran southward from the public road to the front gate, where it turned to the right and ran along the northern border of the yard and into an enclosure containing the kitchen, servants' quarters, stables, and other outbuildings. On the eastern side of the dwelling-house, about thirty feet from it, stood Murphey's law office, and under the office was a wine cellar. Further east was an orchard. In the rear of the house was a garden, which adjoined a lot lying on Great Alamance Creek. The mills were about two miles to the east, at the confluence of Haw River and Great Ala-

I shall remove to this place at the end of the Year and settle Myself. This Letter is Confidential. Write to me. If you accede to my Proposition, I must have a little Work done here.

My Love to Anne.

Affectionately Yours.

A. D. MURPHEY.

Thomas Ruffin esqr.

[Address:] Now at his plantation
on Dan River.
Rockingham.

From Allen J. Davie.[1]

9th Aug., 1826.

Dear Sir:—

I have made the following memorandum from my father's papers, they may be of service to you, they will serve to direct your attention to those particular points and enable you to come at these parts without the trouble of reading a whole book to look for them. North Carolina raised (10) ten complete regiments previous to 1778, and at that time a law passed to fill up those Regiments raising 2,648 men. In '77 by requisition from Congress, a Regiment was raised in Halifax District of 700 for 12 months. In Dec., '77, Gen. Allen Jones marched with 1200 men to the aid of South Carolina, then

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mance. The house was a plain, substantial wooden building having two stories in the central portion and one and a half in the wings on the eastern and western sides. At the right end of a large hall as one entered was a room called Judge Ruffin's room after he took up his abode there, and at the left a library or parlor. These rooms formed the first stories of the wings. At the back of the hall were the dining-room and a guest chamber, and behind these a narrow hall, with a pantry and storeroom at its ends, and a piazza overlooking the garden and creek. Upstairs, in the central portion of the house, was another large hall, and in the rear two bedrooms, a storeroom, and a back hall. Two spacious guest chambers, with four dormer windows in each, formed the second floors of the wings. For this description I am indebted to Col. Bennehan Cameron, of Stagville, who often visited the Hermitage during his boyhood.

[1]From *State Records of North Carolina*, xix. 995-997.

threatened with invasion; these men were halted at Camden until the alarm abated, in the mean time having served to keep in awe the disaffected.

In '77, 2,500 men marched under Ashe and Rutherford to repel invasion at the time expected in the South; these men were called for 5 months.

In '79, about (1,000) one thousand men marched under Butler, to serve three months; the bounty of volunteers $300, draughted men $150.

In October, '79, 1,000 men marched to South Carolina, by application from that State, under General Lillington.

There was about 400 North Carolinians at Charleston when it fell.

The Legislature of 1780, in consequence of the invasion of South Carolina, passed several Laws to aid that State, in consequence of which three Brigades of Militia were at Gates' defeat, commanded by Rutherford, Butler and Gregory.

In October, '80, there was about 1,000 militia under the command of General Davidson, and Sumner; about three hundred mounted men under Col. Davie; about seven hundred men under Cleaveland, Shelby, Sevier and McDowell, at which time General Jones marched about 200 men to Smallwood's camp at Providence.

In 1782 there was a requisition by law of every 20th man, between 16 and fifty, to fill up the Continental battalions.

After the Battle of Guilford General Jones, with a board of officers at Halifax, turned over 400 men into the Continental service, these were placed under the command of Col. J. B. Ashe and behaved to admiration at Eutaw, where they almost annihilated a British Regiment; these men were condemned to regular service for misconduct at Guilford.

In 1780, when Moore collected about 1,100 Tories at Ramsour's Mill, Rutherford and Lock raised about one thousand men; these with Major Davie's Troop of Cavalry dispersed them; see Lees Memoirs of Southern War.

In '80, Col. Irwin had 200 Mecklenburg militia, who were at the attack at Rocky Mount and afterwards at Hanging Rock.

By reference to the Books of the Comptroller you will find the settlement of my Father's accounts as the commissioner of

the Specific Tax; that will shew how much our State did to support the Southern Armies in '81 and '82. When both South Carolina and Virginia were exhausted we fed all their troops, and their Cavalry was wintered at Halifax where we fattened both men and horses.

I regret that all my father's letters and loose papers are in South Carolina, also his letter book which he used from about '85 to his death. I have only his memorandums, made at different times, about the war, also his narration of the battles he was in, also some observations on Gordon's History which he always considered as very erroneous, in particular doing great injustice to the North Carolina Troops and to the share that our State had in the Revolution.

I am, Sir, with Esteem, yours respectfully,

ALLEN J. DAVIE.

It may not be amiss to observe that these troops were actually in service with the knowledge of my Father, many more were no doubt out of which he knew nothing as I find that the Assembly directed many more raised at different times; by his papers it would seem that this State had about three thousand men under arms in '82, of which these memorandums say nothing, as my Father was directed by the Governor to make arrangements to support that number of troops in the vicinity of Fayetteville in order to awe the British force then at Wilmington and also the Tories in the adjacent Counties. I have remarks on some parts of Gordon on battle of Guilford at Ramsour's Mill and at Charlotte, which will be cheerfully sent you if you wish. A. J. DAVIE.

From Victor Moreau Murphey. M. MSS.

HERMITAGE. 12th Augt. 1826.

My dear Father/

I arrived here yesterday and was much disappointed in not seeing you and Mamma, but am greatly pleased to learn that your health has much improved and that you stood the fa-

tigues of your trip to the Springs with but little inconvenience. I hope you will both find the Springs of great Service and if so, that you will continue some time to use the Water.

The dull prospect in the Western Counties for the Sale of your tickets detained me several days longer than would otherwise have been necessary. The great and only objection to the purchase is the Alarming prospect for grain, the ensuing year. However in all the places I have been, especially where I spent some time, by having it considerably talked of, and by the intercession of some of your friends, it has attracted the attention of the people and I am inclined to think they will after the first drawing sell very rapidly. Mr. Blum[1] has written to some of his friends in the North to ascertain who would be a proper person to deposit Tickets. He is of opinion that many can be disposed in that way.

I would go up and see you to day, but our horses are barefooted and William's old horse which I had has been extremely lame and I am anxious to return him well or you may anticipate the consequence. I will be up in a few days.

Uncle Thos. Scott came up on yesterday to bring Nancy to accompany Cornelia to Rowan. He returns in a double gig. I have thought it best to go down and see Dr. Webb, and learn how your Lottery is progressing. If so, I will not get to Rockingham before thursday next. I wish also to deposit with [him] the money I have on hand, which I am sorry to say is but a small sum. Archy Carter had sold several but I did not receive any money from him. He told he could probably sell all he had, and if so would apply and get More (he had 200—which will make 500 hundred for Rowan County. Your old friend Alfred McCay took 50.[2]

[1]John C. Blum, of Salem.

[2]Among numerous comments on Murphey and his lottery published in the newspapers in July and August are the following:

"We take great pleasure in calling the attention of our readers and the public to the lottery: in general, we are no advocates for raising money in this way, but the object is so laudable, so desirable, the benefit to be derived to the whole community is so great, and the plan seems so fair and unexceptionable, that we must dismiss our scruples and bespeak a favorable reception for it from the public." (*North Carolina Journal*, Fayetteville, July 5, 1826.)

"We feel assured that it is sufficient for a North Carolinian to become acquainted with the *object* of the lottery, to secure it his

I hope to see [you] at all events on thursday evening and to find your health and that of Mamma much improved. The family is well, except Grandmother, who has returns of her old complaint (the sun pain). My love to Mamma. My respects to Mr. Lusuur and family.

Very affectly. Your son

V. M. MURPHEY

A. D. Murphey Esqr.

[Address: Lenox Castle.]

To Colonel William Polk. M. MSS.

HAW-RIVER. 9th. Sep: 1826:

Dear Col.

Although I regret that continued Affliction has put it out of my Power to raise the Money for the Relief of the Property of Messrs. Whitesides and Balch, I cannot blame You for forcing

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hearty approval and support. But even should that avail nothing, the respect and affection which the people of the state cherish for the amiable and talented individual, to whose personal relief the profits of the Lottery are intended to minister, cannot fail of securing the universal patronage of our citizens." (*Western Carolinian*, Salisbury, Aug. 1, 1826.)

"Such a work as that contemplated by Judge Murphey, is a *desideratum* in our literature. I wish him success, and entertain the hope that our citizens generally will feel disposed to patronize an individual who has done more for our State, without money and without price, than any other man now living. It may be said of him, that he has lived *non sibi sed patriae*. I have watched the march of this enterprising man for several years past, and have commended his zeal in the cause of internal improvements; and have often been chagrined at that niggardly policy which has retarded his progress.

"Patrick Henry moved the ball of the Revolution—and Judge Murphey is the father of Internal Improvements in North Carolina." ("Franklin" of Salisbury, probably Charles Fisher, in the *Raleigh Register*, Aug. 22, 1826.)

"Our neighbour A. D. Murphey, a patriot who knows no party but his country; who feels no impulse but her prosperity—may he be enabled ere long to complete that laborious but laudable undertaking, the History of North-Carolina." (Toast drunk at a dinner in the Hawfields, July 4, 1826. *Raleigh Register*, July 14, 1826.)

"A. D. Murphey.—The polite Scholar, the able Statesman, the early and devoted friend of Internal Improvement, The honest man—North Carolina feels proud of 'this noblest work of God.'" (Toast drunk at a 4th of July dinner in Pittsboro, proposed by Abram Rencher, afterward U. S. charge d'affaires in Portugal. *Raleigh Register*, July 21, 1826.)

a Sale. The Sum is large, and few Men can well afford to indulge as long as you have, for it. Whether I can Redeem the Property, depends upon Circumstances, about which I know not how to make Calculations. I will certainly do it, even at a great Sacrifice, if I possibly can.

My Son Moreau tells me, you have an excellent Likeness of Yourself painted by Mr. Earle. Could this be reduced for the Engraver? I am promised a fine Painting of the Bust of Genl. Davie by Vanderling, which I intend to have reduced for the Engraver, if possible. What would it cost? It must be done by the Miniature Painer, I expect. I fear the Miniature Painting which you have, would give but an indifferent Idea of your Likeness. I wish yon to give me directions as to your Wishes on this Subject, and I will have your Wishes carried into effect, as far as I can. If the Legislature will aid me, as, I hope, they will, from time to Time, I will spare no expence to make my History worthy in all Respects, of the events which it will Record, and of the distinguished Indiyiduals, whose Fame now lies buried.

[1]I thank You for the friendly Sentiments expressed in your Letter. Thank God! I am at length free from Rheumatic Pain. The Mineral Waters at Rock[ingham] gave me effectual Relief in a short Time. My Joi[nts are] stiff and probably will long remain so. My Health is nearly Restored, And my Strength is fast Returning.

I ask your Pardon for not having paid the Money you advanced for me to Mr. Kingsley. The truth is, I had entirely forgotten it long Ago. I send You 9 Tickets and $2.20, which is the Amount of the Order. I am sorry you did not mention this Order to me several Years ago. Believe me, Dear Col. to be

Affectionately Yours.

Col. Wm. Polk. A. D. MURPHEY.

[Address: Raleigh.]

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[1]The gaps in this paragraph indicated by brackets were caused by the breaking of the seal.

From Dr. John McAden. M. MSS.

[CASWELL COUNTY.] Sep. 28th 1826

Dear Sir/

* * * I am doubtful your lottery will progress slowly.[1] We have too few lovers of History or any Scientific Works to venture much money. Indeed, it is intolerably scarce; 'tho more of it has been expended at our Races in the Neighborhood lately, than would have printed the Work, and to no earthly good, only to dissipate young men and ruin Society. I have made smart efforts to sell tickets And can't dispose of Any. I have heard of a few sold at the Ct. House and Milton—And Sales not brisk. * * *

[Address: Orange.]

To Colonel Edward Jones.[2] M. MSS.

LENOX CASTLE 19th Octo: 1826.

Dear Col:

I cannot attend any other Court on this Circuit, without imminent danger. My Ancle is so highly inflamed that I am disabled, almost entirely from Walking, And my Physicians advise me to get home as quickly as possible; and not move out Again Untill next Spring. I shall follow their Advice, Provided You will Agree to continue Cochrane's Case. If his Case is to be pushed, I must go to Person even at the Risk of my

[1]The drawing of the lottery had been postponed from the second Monday in September to the fourth Monday in November, because, it was announced, agents failed to make returns of tickets sold and unsold. Later it was postponed indefinitely. No drawing ever took place. See *Raleigh Register*, Sept. 29, Dec. 15, 1826.

[2]Edward Jones (1762-1841), a native of Ireland and a brother of Wm. Todd Jones, the Irish patriot, after serving an apprenticeship with a merchant, emigrated to America in 1783. He engaged in business in Philadelphia and failed; made another attempt in Wilmington in 1786; then studied law, and soon rose to distinction. He represented Wilmington in the House of Commons, 1788-1791, and was first solicitor-general of North Carolina, 1791-1827. Before 1800 he removed to a country seat in Chatham County. He was an accomplished criminal lawyer and a kind-hearted, chivalrous gentleman.—W. Hooper, "Biographical Sketch of Edward Jones, Esq.," in *N. C. Univ. Mag.*, V. (1856), 337-360.

Life. I ask a Continuance as a personal Favour to myself. The Public do not expect *his* Trial, Untill *After* the Negroes are tried: so, no one will be disappointed. Drop me a line to Haw-River on this Subject and let me know Whether you consent to a Continuance. Yours. truly and Affecy.

A. D. MURPHEY.

Col. Edward Jones.

[Address: To meet him at Greensborough.]

From Thompson Byrd.[1] M. MSS.

CHAPEL HILL. Octobr. 28th [1826].

Dear Sir.

The Philanthropic and Dialectic Societies have entered into an agreement to appoint some gentleman who has been a student of this University and a member of one of the Societies, to deliver an *Oration* in the colege chapel before the two bodies on the day immediately preceding the commencement day. This selection is to be alternate and the Dialectic Society having had the preference has made choice of you to fulfil that appointment on the day preceding our next commencement. The Society has directed me to apprise you of this selection and also to request of you to comply with their desire. I would be glad if you would inform me on receipt of this whether the appointment is accepted by you, that I may report to the house. Without wishing to flatter I can assure you that it is from a deep conviction of your ability to fulfil this duty that we have made you our first choice and our disappointment would be great should our choice not be ratified.[2] Accept Sir, the sincere respects of the members of the Dialectic Society through

your humble servant

THOMPSON BYRD.

Arch D Murphy Esqr.

[Address: Haw River, Orange.]

[1]Thompson Byrd, of Caswell County, A.B., Univ. N. C., 1827, A.M., 1831, became a tutor at the University, 1829-1831, and a minister of the Gospel.

[2]For Murphey's oration, see vol. II. pp. 341-361.

To Robert Hughes.[1] M. MSS.

Dear Sir. NORTH CAROLINA. ORANGE. 10th November 1826

Dr. John Rogers of Hillsborough in this County is about to remove to Tennessee where he wishes to take charge of an Academy. He is reputed to be the best classical Scholar in this State: And he has for several years past managed the Hillsborough Academy with singular credit to himself, and advantage to the Community. This Academy is the Preparatory School for our University: And since Dr. Rogers has had the Management of it, Strict Discipline and good Scholarship have characterised the Academy. He was educated at the Catholic College of Georgetown, where he was instructed in the Latin, Greek, And French Languages. He has since applied himself to the Study of the Physical Sciences, particularly of those connected with the Science of Medicine, intending to follow the profession of Physic: But his constitution being too feeble for the Labours of this profession, he was compelled to abandon it, And he has since applied himself exclusively to the Management of the Hillsborough Academy. He has a Family and removes in compliance with their Wishes, all their relatives having removed to Tennessee. He is a Gentleman of good Feelings, and of Strict Honour and Probity. He will be an acquisition to any Society, and particularly to the College or Academy in which he may be employed. My object in writing this letter to you, is to solicit your Friendship in his behalf, at least so far as to aid him in getting employment in one of your Colleges or Academies, or in setting up a new school as soon as convenient after reaching Nashville. Any Services which you May Render to Dr. Rogers will be thankfully acknowledged as well by himself as by, Dear Sir,

Your Obt. Servt.

Robert Hughes esqr. A. D. MURPHEY.

[Address: Jackson, Tenn.]

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[1]Written and signed in Murphey's name by his son Moreau, and contains emendations in Murphey's handwriting.

From Allen J. Davie. UNIV.[1]

A. D. Murphy Esquire

Sir

It would give me great pleasure to accompany you to the South if my affairs would permit me to be absent at this time, it would be a sacrefice that I could not bear and which you would not wish me to encounter. This Summer has been spent by me in building a large Brewery which is now ready to go into operation and will therefore require my personal attention during the whole Winter.

My Brother will be glad to see you and will cheerfully afford you every aid in examining my Fathers papers—his letter book from 84 to his leaving this State would afford you much light on the history of that period; that is at William's there is likewise a large number of letters all filed, lebeled and dated

I have now here the only good likeness of my Father it is exactly such a painting as the Engraver would use and shall be sent to New York at any time you may direct

Much of the memoirs of my Fathers life is now compiled and before its publication should be glad to have it revised by you, when I wrote you on that subject and you did not answer, my old Friend the Treasurer persuaded me to under take the task something is done, much remains to do, as the likeness is to be engraved for the Memoirs would not it save expense to have it of such size as to suit the History—what papers I have are likewise at your service.

I remain Dear Sir respectfully

Yours

17. Nov. [18]26 ALLEN J DAVIE

[1]Printed in *State Records of N. C.*, XIX. 997.

From Edward Everett.[1]

WASHINGTON 4 Decr. 1826.

My dear Sir,

Toward the close of the last session of Congress, Judge Mangum handed to me Your letter of May the 6th, and entered into some explanations, With respect to Your University and the general object of Your letter. I could not but feel highly flattered, at the confidence in my opinions on the subjects referred to in Your letter, which Was implied in Your application; and for that Confidence and the obliging Manner in which it is expressed, I beg you to Accept my thanks. On the receipt of Your Communication, it was my purpose to apply my leisure, on my return home, to a compliance With Your request viz. to attempt to draw up "a plan of Education, suited to the present improved State of science and of general Knowledge, and best fitted for the instruction of Youth and for rendering them useful Members of Society; and also A System of discipline for the gv't of such University." On my return home, however, an uninterrupted Series of incidents occurred, to Occupy my time, Most of them wholly unforseen to Me; and altogether leaving Me No leisure. I could not have undertaken the task, proposed to me by Your Communication, With the least prospect of accomplishing it, in a Manner satisfactory to You or myself. I was frequently on the point of writing to You to this effect, but constantly hoping I might Yet find it in my power, to comply with Your request and as constantly disappointed, I have allowed, I fear, the season to pass away, in which even an apology for Neglect will not seem over tardy. I beg leave, however, to assure You, that it would have gratified Me highly, to have had it in my power to render You a service of the kind described.

I had already learned, from different Sources, that You were employed upon a history of North Carolina, a work the Necessity of which is rather increased than diminished by those already existing on the subject. Not knowing what authorities You have already collected, I shall not venture to enumerate what You have no doubt long since accumulated in the way

[1]A. L. S., in collections of the N. C. Historical Commission.

of early histories of the colonies. I will only add (in reference to works, which, being local in their Nature, are Not so likely to have fixed y'r attention,) that the New Edition of Winthrop's Journal, by Mr. James Savage of Boston, besides being illustrated by most learned And exact notes, Contains about a third of Govr. Winthrop's journal, Now for the first time printed, from a MS discovered in Boston, a few Years since. Prince's Chronology has just been, for the first time, collected into one uniform volume of convenient use. The Collections of the Massachusetts Historical Society Now amount to 21 rather thin Octavo vols, and may be had at any bookseller's Shop in Boston. They w'd be procured No doubt with ease by requesting any respectable bookseller, who has connexions with the North and east, to send for them. They cost in boards $1.50 pr. vol. Their Contents are highly valuable, but rather for N. England, and Massachusetts in particular, than the Colonies at large. Would it not be worth while, with a View to a revision of our early colonial History, to endeavor to have the Records of the Plantation office at London examined? The English Government, as I understand, would interpose no obstacle; and the only difficulty would be, to engage a competent person to make the proper researches. The Rev. Dr. Holmes of Cambridge (Mass.) has been for some time preparing a revised Edition of his Annals. Mr. Sparks, the editor of the North American Review, has (as You are probably informed) been diligently employed, in collecting original Materials, illustrative of the History of our Revolutionary War. With regard to our Indians, You are of course acquainted with the Standard works. The last volume of Adelung's Mithridates contains, I believe, the amplest collections on their languages. Mr. Buchanan (British consul at N. York) has published a book about the Indians, which I have never read, and I hear but an indifferent character of it. Hoyt's history of the Indian wars on Connecticut river is a recent, and tho' a local publication, is an interesting one. Professor Rafinesque of Transylvania University has lately published some thing about the Indians attached, I believe, to Marshall's history of Kentucky. Rafinesque is very learned and ingenious; what Confidence can be placed in his authority or citations is not always obvious.

Gov. Cass is preparing his speculations on various topics relative to our Indians, in continuance of an Article published in the N. A. Review for January last. The first volume of Dr. Godman's Natural history of America lately published contains An introductory discourse on the Natives of the Continent. I have not read it, but from the character of the author (one of the Most promising Men of science in the Country) I have no doubt it is Curious and instructive. I presume light will be thrown on the Indians of the Muskoghee familee, by the work promised by Mr. Bevan of Georgia. The queries issued by the War department at the instance of Mr. Gallatin, last spring (they were in fact prepared by him) will probably furnish ampler Means of comparing the language of the different tribes than Yet exist. Should You not have seen Mr. Gallatin's circular, I think I can procure it for You.

I hope You will excuse this long detail of rather trifling Notices, into which I have hastily run, with no other view than to show respect to Your Enquiries. Wishing You confirmed health and full success in Your honorable enterprize, I beg You, Dear Sir, to Accept my friendly and respectful salutations

EDWARD EVERETT.

Hon. A. D. Murphy
Haw River, Orange Co. N. C.

To Colonel William Polk. M. MSS.

HAW-RIVER. 14th Dec: 1826.

Dear Col:

I expect to be in Raleigh about the 10th January, by which time I can better determine the Number of Impressions of your Portrait, which I shall want. The Work will be in Octavo Volumes, each Volume containing about six hundred Pages.

I have drawn a Memorial to the General Assembly, a Copy of which I will send to you on next Week. It is now in the Hands of the Printer.[1]

[1]This memorial was laid before the legislature by John Scott on Jan. 5, 1827. No copy of it can now be found. For a critical notice of it by Jared Sparks, see *North American Review*, XXIV. (1827)

Mr. Allen Davie in a Letter lately Received from him, informs me, that he is compiling a Sketch of his Father's Life, And has in his possession Part of his Father's Papers; but that most of them are in South Carolina, in the Hands of his Brother, from whom, he says, I can procure them.

The enclosed Notice was forwarded to me by your Son. I do not know the Object of it. Perhaps you may understand it.

Yours truly and affecy.

Col. Wm. Polk. A. D. MURPHEY.

[Address: Raleigh.]

From Victor Moreau Murphey. M. MSS.

HAW-RIVER. 23d. Jany. 1827.

My Dear Father/

We were all much gratified to learn by Mr. Rainey that you were still mending and that your business in Raleigh was about to close. I hope it has been a profitable trip. * * *

I am not in the habit of giving advice, being too conscious of my incompetency, but I hope you will not view it as presumptive in me, to recommend a plan which if adopted, would doubtless aid you much, both in your pecuniary embarrassments and in your professional avocation. To wit. If possible dispose of your mill and plantation as you have proposed and

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468-470. Murphey said in this memorial that in consequence of the restriction of his lottery to three drawings and the smallness of the sum authorized to be raised, he was unable to dispose of it to lottery brokers, and asked permission to raise a larger amount without restriction on the number of drawings. In response, the Assembly authorized the President and Directors of the Literary Fund to raise $50,000 by lottery, one half of which amount was to go to Murphey to enable him to publish his history, provided he should relinquish the privilege of the lottery granted him at the last session and enter into bond that in case of his death his historical papers should be vested in the State. At the same session there was much debating on the morality of lotteries, occasioned by bills to aid public schools and private academies by that means. An appropriation of $5,000 was made for a loan without interest to John MacRae, of Fayetteville, to assist him in publishing a map of North Carolina. See *Raleigh, Register*, Jan. 5, 9, 23, Feb. 9, 13, 1827; C. L. Coon, *The Beginnings of Public Education in North Carolina* (*Pub. N. C. Hist. Commission*, 1908), I. 330-338.

instead of removing to Rockingham go to Hillsboro. I believe you are rather averse to a Town life, but the advantages which would result from a removal of that kind would be greater than you would at first suppose. You have now at your expense the education of three children, all of whom are in Hillsboro. The money expended at present in schooling them would go far towards supporting the whole family. Mamma's health at different Seasons of the year frequently renders it necessary to procure medical aid, in Hillsboro she could always have the best. It is impossible to carry on a Farm to any advantage with the weak force which you have, and really the expense at present I must think is equal to the profit.

The vacancy created by the appointment of Mr. Ruffin to the Bench, notwithstanding Mr. Nash has returned to the Bar, will throw much business in your hands, for you well know Mr. Nash can only appear on one side of a suit. You are the best Judge of these matters and will certainly exercise your own discretion, but I have frequently thought of it, and should be glad you would do so.

I hope due regard will be paid to your Memorial, and that the Legislature will act more liberally than at the last Session. It is difficult to conjecture what its fate may be.

I was fearful that during the extremely cold weather you would suffer. I have never felt any thing like it. I was compelled to go by Salisbury to get home, the Yadkin was frozen completely across, so as to render it impossible to cross in a boat, even at the bridge and notwithstanding the fall it was frozen entirely over. We hope to see you arrive safely on Saturday. We all join in love to you.

Very affectionately Your Son

V. M. Murphey

A. D. Murphey, Esqr.

From John Scott.[1] M. MSS.

HILLSBOROUGH. Feb: 14th. 1827.

My Dear Sir.

I wrote to you last Friday within a few minutes after I offered the Resolution for your London Documents.[2] The Senate Passed it too.

I have just had a conversation with Mr. Hiram Turner, from which I discover he has some expectation of entering into a Contract with you, for procuring Subscribers to the Work. Feeling much interest in your Success and knowing that much depends upon *the man* who shall undertake for you, I venture an opinion in which I feel pretty Confident:—It is, that Hiram Turner will suit you better than any man I ever saw. I hope you will be able to secure his Services.

Sincerely yours

[Address: Haw River.] JOHN SCOTT

To Colonel William Polk. M. MSS.

HILLSBOROUGH. 25th. Feby. 1827.

Dear Col:

I have just learned that the Act of the last Session authorising the President and Directors of the Literary Fund to raise $50.000 by way of Lottery, requires me to waive all benefit of the Act of the preceding Session. This Substitution of $25.000

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[1]John Scott, of Hillsboro, represented Hillsboro in the Assembly, 1818-1820, 1824-1827, was solicitor-general, 1827-1834, and removed to Texas, where he became a judge. See *Pub. Guilford County Lit. and Hist. Assn.*, I. (1908) 56-57.

[2]This resolution requested the governor to apply to the British Government through the American minister for permission to procure for the use of the State copies of documents relating to North Carolina in the office of the Board of Trade and Plantations in London. In pursuance of this resolution Gov. Burton obtained the desired permission and a list of North Carolina documents in the office of the Board of Trade and in the State Paper Office. The list was published by direction of the legislature in 1843, and was republished in the *N. C. Univ. Mag.*, I. (1844), Appendix.

Scott also introduced a bill to appoint a commissioner to collect statistical information relating to the state, which failed. See Coon, *Beginnings of Public Education in N. C.* (*Pub. N. C. Hist. Com.*). I. 343.

in the place of $15.000 will probably be to my Advantage; but I have been for some time in Treaty with some Lottery Brokers for the Sale of my Interest under the Act of 1825, And I had Resolved to sell out, if I could only raise the Amount of your Debt. The last Act authorises the President and Directors to sell the Lottery; How soon such a Sale can be effected, I know not. I have no doubt the Treasurer will exert himself to raise some Money from the Sale, as quickly as possible. You shall have the first Monies that are raised for me, if you can wait. You have been so good in granting Time, that I can't request further Indulgence, Unless it be entirely convenient to You to grant it.

My Health is now almost entirely restored, and my Physicians tell me I shall probably have better Health than I have enjoyed for many Years. My first Object now is to wind up all my Business, which I hope to do before the end of the Summer, and to be free from Debt. I shall then devote myself exclusively to the Completion of the History of North Carolina. I have engaged Mr. Hiram Turner (who has been long engaged in this Sort of Business) to procure Subscribers and deliver the Work. He thinks he can procure three thousand Subscribers. On this Account, I wish you to ascertain for what Sum 3.000 Impressions of your Portrait can be made. You have contracted for 700.[1] I will pay for the Rest.

You have no doubt seen the various publications which have lately appeared concerning the Battle of Germanton. I refer to the publications of Judge Johnston, of Col. Bentalou, of Col. Pickering, and Strictures on all by the Editor of the North American Review. As you were in this Battle, will you do me the Favour to give me your Account of it in Detail, And to add the particular Parts which you and Genl. Nash Acted: And state minutely all the Circumstances of your and his being wounded and Meeting as you retired from the Field, the Conversation that passed between You, his taking your Hand and biding you *Farewell!* there is something peculiarly interesting to my Feelings in that Scene, and I wish to be able to sketch

[1]These prints (lithographs) were made by W. and J. Pendleton, of Boston. An engraving by Wm. Sartain from the original painting may be found in W. M. Polk, *Leonidas Polk, Bishop and General*, I., frontispiece.

it with Correctness.[1] And if it will not trespass too much on your Time, I will draw your Attention during the ensuing Spring to different Periods of your Military Life, and solicit from you information and Anecdotes.

I have engaged a French Gentleman[2] to aid me in the Military Part of my Work. He is a Nephew of Marshall Ney, who came to America after the Battle of Waterloo, and who, to gain Subsistence, is keeping a small School in the County of Iredell, in perfect Obscurity. He is an elegant Scholar and Draftsman, has fine Intelligence, and having lost his Fortune and his Hopes, seeks now only for a bare Competency. He has seen much Service, and as he is fond of Reading and writes well, he will be very useful to me. He will come to reside with me in the Summer, when his School is out.

As I intend to dedicate my Work to you, I will thank you for any Hints that you may give as to its plan etc.

Yours truly and Affectionately.

A. D. MURPHEY.

Col: William Polk.

[Address: Raleigh.]

From Charles Fisher. M. MSS.

SALISBURY 10th March 1827

Dear Sir.

I hope the act of the last Session, granting the lottery, will afford you such aid as may enable you to drop all other business, and devote your attention solely to your history. It is a work to which your personal friends, and indeed the enlightened public of the State in general, look with great interest. To you it will bring fame, and I hope, profit too, and to the State a redemption from many of the unfavourable impressions under which it has so long and so very unjustly laboured. A faithful history of the part, North Carolina bore in the revolutionary struggle will not fail to attract attention and respect from the enlightened, and virtuous of every sister

[1] *Cf.* Polk, *Leonidas Polk, Bishop and General*, I. 27.
[2] Peter Stuart Ney. See *post*, p. 362n.

State; and by making her own Citizens better acquainted with themselves, and their forefathers, will inspire feelings of self respect, and awaken a spirit of State pride—without which no State, or Countery can ever be respectable. But these are common place reflections, perhaps out of place here. I will however presume on your forgiveness, in saying a few words on another part of the subject connected with your history;—the only one I had in view when I set down to write this letter. A few days since, Mr. Turner (the book-seller,) asked me, in what form, I thought, your history would *take* best. After some reflection I gave it as my opinion that it ought not to exceed 4 vols. of the size of Ramsay's history of So[uth] Ca[rolina].—say 500, to 550 pages each;—to be sold at $10 plain, and $12 or $12.50 extra calf-gilt. He then informed me, that his opinion was pretty much the Same, but that you were of the belief that you could not bring it in a less compas than 5 vol. of 550 p[a]g[e]s each. I do not know much of these matters, but it does seem to me, if you wish the work to be extensively sold, and generally read, that 4 vols. of 500 to 550 p[age]s should not be exceeded. When a work comes at more than $10, common men will but seldom buy; and when beyon the size stated, many shrink from the task of reading it; who would undertake a less work. Look at Marshall's life of Washington;—you may buy it now at a less price than it's origenal cost:—Why? because, it is, from its size, and other reasons, a work only read by a certain class of men,—and it will be still less read as the scenes of the revolution receed from us. Mr. Jefferson, somewhere, has said that—"amplification is the vice of modern oratory"; and, it would seem that the same may be said of modern book-making. This however is a subject of which I know but little, while it has fully attracted your attention and consideration. Whatever may be your determination on the Subject, I trust you know me sufficiently well, to attribute these remarks to no other, than feelings of the most friendly kind.

With my best wishes for your success in this and all your other undertakings I continue

truly, and Sincerely your friend.

CHS. FISHER

[Address: Haw River]

From Nathaniel Bosworth.[1] M. MSS.

GOLD MINE BEAVERDAM March 30—1827

My Dear Sir,

It gives me pleasure to learn that your health has so far improved that you are again able to visit the atmosphere of the different counties which may in some degree I hope give a respite to the mind in the arduous undertaking before you—the history of our State.

I did flatter myself in the hope that ere this your health might have permited you to visit the gold mine to see the engine, with my other apparatus for washing which is the result of a degree of perseverence belonging to a Soldier, while I have suffered the hardship of a Sailor. But as I never quit a subject that I once begin until I have tested its utility, so I have continued in this, without one associate to brace the mind, save a momentary call from the passing stranger; and have myself in this secluded state become almost a Savage.

It will no doubt be satisfactory to you to know that the subject is worth pursuing if conducted in order—constancy—proportion—and with a suitable capitol. It is also highly satisfactory to me both in point of labour and utility, that all the machinery which I have here adopted has so completely answered the purpose upon its first trial, that I have had no occasion to change it to the present time; and altho I use some thing less than half of the power of the engine, my present apparatus requires about eighty men to keep it in constant operation. I forbear to enter minutely into the subject, as I design this an invitation for you being now in the vicinity to call and examine every thing as it is; and view something of the Geological structure of this section of our country.

Should it not be consistant with your health to visit me at this time, be pleased to inform me through the favour of Mr Coggins the bearer, describing where I may address you in all of the next week, and I will furnish such other particulars as

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[1]Nathaniel Bosworth was proprietor of a gold washing establishment in Montgomery County. See *Diary of a Geological Tour by Dr. Elisha Mitchell in 1827 and 1828* (*James Sprunt Historical Monograph* No. 6, 1905), p. 61.

you may desire respecting the subject in which I am engaged, and forward them directly—or if possible present myself to you in person.

Be pleased to accept the distinguished consideration and very high respect of Yr. obt. Servt.

NATHL. BOSWORTH

A. D. Murphy Esqr.

[Address:] at Randolph Court—or
at Davidson—or Haw river
Post office, orange county.

From James G. McG. Ramsey. M. MSS.

MECKLENBURG NEAR KNOXVILLE
April 9. 1827.

Dear Sir/

I have heard with much pleasure that you are engaged in preparing for the press a history of North-Carolina. Such a work is much wanted. That of Doctor Williamson is not only inaccurate and very imperfect but has had an extremely limited circulation. The known character of the writer of the contemplated history gives every assurance that the inaccuracies of preceding authors will be corrected—their omissions supplied and that particularly the lofty spirit of freedom and Independence which animated her sages—and the fire of patriotism which glowed in the bosoms of her heroes "in the times that tried men's souls" will be portrayed in their *true* colours. The Mecklenburg Declaration of Independence in 1775 is a briliant transaction in the early history of your state—and reflects much honor on the intelligence and patriotism of her sons, and in no country and on no occasion has better blood been spilled or flowed more freely than was shed at Cowan's ford Guilford etc. etc. Please make me a subscriber for two copies of your work—and send me a prospectus and I will procure you other subscribers. I have no doubt the work will circulate well in Tennessee.

I have heard that the papers of the late Genl. R. W. Davie of S[outh] C[arolina] have been submitted to your examination. I am informed that amongst them is a certificate from the late J. M. Alexander Esq. of Mecklenburg N. C. respecting the Declaration of 1775.[1] Having acted as the Secretary of that Convention such a certificate will bear with it official authority concerning that matter. I have taken some pains to collect testimony on that subject—and should be glad to possess myself of that certificate—and I have permission from Mr. Davie Junr. to get it from you after you shall have made the use of it you wish. May I request you to forward it to me by Mail. If you will indicate the way in which you can receive it safely I will do myself the pleasure to present you a copy of a print I have had struck commemorative of the Mecklenburg Declaration.[2] Two pillars (on one of which is the French Motto Dieu et mon droit—and on the other Horace's Aere perenneus—) support a beautiful arch on which is pearched the Eagle of Liberty (without the stars and stripes) bearing the words Virtue Liberty and Independence—May 1775. Under the arch are the principal resolutions of the Charlotte Convention and a complete list of the signers. Having no room left and expecting that you will see it I can describe it no further. I shall be happy to hear from you. In the mean time I continue to be

Very Respectfully

Yours etc.

Judge Murphy

J. G. M. RAMSEY.

[Address: Haw River]

From William F. Jones.[3] M. MSS.

May 1st 1827

My Dear Sir

There is some talk amongst the people who they shall start in this county to beat Barringer[4] at the Next congressional

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[1]See Hoyt, *The Mecklenburg Declaration of Independence*, ch. ix.
[2]See *ibid.*, p. 220.
[3]One of Murphey's neighbors.
[4]Gen. Daniel L. Barringer, of Raleigh.

election, we have offers enough. I fear none will take with the people, I hope as I live in a free country that have been purchased by the blood of Thousands it alone will be apology enough for me to solicitate you to watch over our rights one Session at congress, if you will sacrafice Domestic Hapiness for publick Good I as in duty bound will ever pray etc.[1]

I am your *servant*

Hon A. D. Murphey W. F. JONES

From Charles Fisher. M. MSS.

SALISBURY 5th May 1827

Dear Sir.

I am sorry to hear that there is no prospect of realizing any thing from the lottery authorized by the last Genl. Assembly. The only chance, was to sell to some of the lottery Brokers who understand the trade. Failing in this, I think it would be worse than useless to attempt any thing in the way of Small Schemes. The truth is, the habits, and persuits of the people of No. Ca. will not afford encouragement to lotteries, and in addition to this, the hardness of the times, is peculiarly unfavourable to them. I think the only chance now is for you to git on as well as you can during the Summer, and at the next Legislature, your friends, and the friends of No. Ca. must make a spirited effort to obtain for you, open, and direct aid, by a loan of $10.000, without any further Security than the pledge of the materials you have, or may collect, to go to the State if you die short of accomplishing the work: if you live to finish it, then part of the amount to be repaid in cash, and the ballance in books; which books, the State may distribute, to its own library, to the University, and, among the academies as they now exist, and as they may hereafter arise in the several Counties—also, by, sending a copy to noted Literary Institutions, and Public Libraries, throughout the Union. The

[1]Murphey's candidacy was announced in the newspapers in the latter part of this month. He was said to be "a decided friend of General Jackson." See *North Carolina Journal* (Fayetteville), May 30, 1827.

good effects of such a distribution must be apparent to the dullest comprehension. For my part I see no cause to dispair of success from such an effort,—or why, it could not have been carried at the last Session. At all events if we live, let us make the attempt,—and, by way of preparing the public mind for it, and thereby disposing the Members elect to it, about next Septr, let your friends in different parts of the State come out in the Newspapers advocating the measure. If you say so, I will begin here, and a short notification to your friends else where will keep it up. I believe the measure is practicable. If it fails, I will begin to think that the State is hardly worth having its history wrote. But if it does fail, I would suggest another plan to obtain aid. It is this. Prepare your prospectus as soon as you can. Take measures to have it very extensively presented, and, let every exertion be made to procure Subscribers. A large list of Subscribers being procured, will in itself, be a strong argument to induce the Legislature to grant aid. But if they fail, then I think there are book-publishers in the U. States [who] would on Such a Subscription, make advances to enable you to go on with the work.

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Truly and Sincerely your fri[en]d,

CHS. FISHER.

[Address: Haw River.]

From Woodson Clements.[1] M. MSS.

WAKE COUNTY 20th of July 1827.

Dear Sir

I was much gratified in receiving through the hands of some of your friends, your Circular address to the freemen of this district. I had heard you announced as a candidate for the next Congress weeks before I received your circular, but was unable to form an Opinion for my self or to advise my friends. I was well aware of the high standing and preeminent Station you would hold over Our late representative as well as your stedfast position in favour of General Jackson. I am my self

[1] A surveyor frequently employed in works of internal improvement. See vol. II. p. 99.

so closely attached to the cause of Gl. Jackson that it is almost as easy to remove the Allegany Mountain as to remove me from him. But the United States is wasting so much money under the Vain System of Internal improvement and not only money, but they are fast dissolving the Union, that I was a frade to say I would Vote for you, thinking you would probably pursue the same plan, so long as you with held your Sentiment. So soon therefore as you informed us of your Opinion in regard to those matters, I immediately turned over to you, Horse foot and Dragoons. For it afforded me pleasure to have a weapon to fight Gen. D L B[arringer], for he is a great intreeger, and no dependance on his political honesty. For whilst at Washington he is charged with intriegueing with that Grand rascal John C. Wright, though he attempts to deny it, and had pretty much lulled us to Sleep upon that Subject, but the Editor of the Tellegraph has lately confirmed it. I will say no more about him as I am pursuaded you know as much about him as I do.

I wish you success in the election. You will get a Scattering Vote through the parts where I live which I am in hopes it will enable you to keep a head. If it was not for one circumstance, that of internal improvements in the State, you would beat him 3 to 1 in my neighbourhood. But it is heard to make the great mass of the people understand the difference between improvements in the State, and that of the United States. If it had been in your power to [have] attended two publick places in the South and South eastern Sections of Wake, it would have gained you 500 Votes.[1] I add no more only that I remain with

Sentiments of respects,

your humble Sert.

WOODSON CLEMENTS

A. D. Murphey Esquire

[Address: Murphey's Mills, Orange County.]

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[1]The election was held in August. The vote was as follows:

	Barringer.	*Murphey.*
Wake	1,389	200
Orange	601	1,615
Person	408	287
	2,398	2,102

—*Raleigh Register*, Aug. 14, 1827.

RUFFIN MSS.

William D. Murphey to Victor Moreau Murphey.[1]

NASHVILLE. 17th. August 1827.

Dr Moreau

I got to this place on last evening from the Western District and this morning took your Letter to me out of the Office where it has been for some time. It is the only scrip of a pen I have had since I left home. I have been much more pleased with the appearance of the Western District this Trip than I was when here before. It begins to assume the appearance of a civilized and thickly settled country. There are several considerable Towns in it. The Crops there are excellent. Those in this neighbourhood are completely destroyed by the drouth. I set out in the morning for Maury where I hope to have the pleasure of meeting with the Messrs Polk.[2] I have seen neither of them yet. On my return from Maury I shall pay a visit to Genl. Jackson's. I had a polite invitation sent me by him to visit him before I set out for Carolina. There is not much amusement in this place at this time. The Theatre is open'd on To-night and I hope to be amused. While in the District, I visited the Mississippi where I spent three days. I went over to Arkansa and spent the greater part of the day. The country there is rich beyond all description.

I am sorry to hear of the misfortune that has befall'n Parson Witherspoon,[3] he is as little able to sustain a misfortune of that kind as any person about Hillsboro. Tell Col. Child I should have been glad to have been with him, and that I could see more real satisfaction about Hillsboro in one hour than I could in the Chickasaw in a month. The weather was so intensely hot while there that I could enjoy myself either in

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[1]William Duffy Murphey (1802-1831), eldest son of Judge Murphey and named for his father's instructor in law, was graduated at the University of N. C. in 1821. He was a young man of talent, but led a somewhat idle life.

[2]Sons of Col. William Polk.

[3]Rev. John Witherspoon, pastor of the Presbyterian church in Hillsboro, a grandson of the "signer." In January, 1827, his house in the vicinity of Hillsboro, where he conducted a private boarding school, was destroyed by fire.—*Raleigh Register*, Jan. 5, 19, 1827.

Hunting or fishing. I have only shot once at a Deer since I have been out and then I never Touch'd him. There is still plenty of game in the District.

I shall start home in Ten days in company with Mr. Rainey and shall make no stay on the way. Mrs. Whitted of Gallatin was married on last Thursday to Mr. Charles Smith formerly of Granville. I could not get back from the District in time to be at the wedding. Houston is elected Governor.

Yr Affect. Brother

[Address: Hillsboro.] WM. D. MURPHEY

To Colonel William Polk. M. MSS.

HAW-RIVER. 22d August 1827.

Dear Col.

* * * * * * * * * * * * *

I forwarded to the Treasurer a Letter Received from Messrs. Williamson and Cambell, Brokers at Nashville, in which they propose to undertake the Management of the Lottery authorised by the last Genl. Assembly, and to guaranty the Payment of at least $1000 every sixty Days, and more if the Profits of the Lottery exceed that Sum. I am not acquainted with these Men, nor have I any Knowledge Whether a better Bargain can be made with any of the Brokers. Should their Propositions be acceded to, will the Money come in, in sufficient Time to enable me to redeem the Property of Messrs. Whitsides?

I wrote to you that I had engaged a Gentleman to assist me in the Military Part of the Work in which I am engaged. I was misinformed as to his Character. He is not a Frenchman, but a well educated, intelligent Scotsman by Birth, who did not go to the Continent Untill he was eighteen Years of Age. His Name is Ney, and he was recommended to me as the Relative of Marshall Ney. He tells me that he is not a Relative. He has been a good deal in Service, And I find him much more valuable than I should probably have found him, had he been

a Frenchman. He writes for me, reads extensively, collates Facts and arranges Materials with great Judgment.[1]

I beg Pardon for not forwarding your Biography. I will send it by Mr. Wm. Haywood on next Week. Let me beg you to enlarge it with numerous Details and Anecdotes of your Military Life: And set forth the Causes which have kept you and your Federal Friends of the Revolution, from Political Preferment. This foul Blot upon North Carolina ought to be exhibited to full View.

I have ceased to think of the election. I regret the disappointment of my Friends. As to myself, being Accustomed to Disappointments all my Life, the Loss of the election affects me but little. No Honourable Man can be elected in this District, Unless he belongs to Wake, and by his Residence there divide the Vote with Genl. Barringer. The Loss of the election will hasten the Completion of my History.

A. D. MURPHEY.

Col. Polk.

[Address: Raleigh.]

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[1]This seems to clear up the mystery surrounding this much discussed school teacher. Books have been written to prove that Marshal Ney, through the aid of the soldiers detailed to execute him, escaped death in Paris in 1815, came to America, and assumed the name of Peter Stuart Ney. Rumors that he survived were long afloat. P. S. Ney appeared in South Carolina in 1819, and from that time until 1846, when he died, taught school in the Carolinas and Virginia. He resembled Michel Ney in appearance and character, had a very circumstantial knowledge of the Napoleonic wars, spoke French fluently, and occasionally, when intoxicated, declared that he was the Marshal. But the "bravest of the brave" had little education, whereas the school teacher taught successfully Latin, Greek, and higher mathematics, wrote English and Latin poetry, and was an expert stenographer. Michel Ney, born in the German town of Sarrelouis, was fond of using the German language and ignorant of English. P. S. Ney, on the other hand, does not seem to have spoken German, and he spoke English with a Scotch brogue. Men who knew him say that he looked like a Scotchman. He told several persons that his mother was Scotch and that her name was Catharine Isabella, facts which do not accord with the accepted records of Marshal Ney's genealogy. If he was Marshal Ney, the general amnesty granted in France long before his death to political offenders would probably have induced him to return to France. Marshal Ney's family has declared him to be an imposter. His assertions as to his identity with Marshal Ney were doubtless due to vanity excited by drink. Many circumstances indicate, however, that he was an exile. He seemed to be an honest man, and was loved by his pupils. The late Rev. James A. Weston, who investigated this question for many years and was convinced that P. S. Ney was the Marshal, wrote me on Nov. 11,

From John P. Carter.[1]

THE OAKS, Septr. 9th 1827.

Hond Sir

I have just got home on my return from Surry S[uperior] Court. * * * I did not see Lewis Williams at Surry. He was gone to Richmond. He will however be at Davidson S[uperior] Court. The Adams and Clay party are so overwhelmed at the issue of the Kentucky election that I expect they are at a dead Stand. Something however may be done yet. At any event old Hickory must triump and then your day will come. Sanders[2] has sounded several about the Governorship. We fear Iredell will be in the way. I will however write you at large from Wilkesboro on this and other subjects.

In Haste Yours most

Respecy and affecty

J P CARTER

Mrs. Murphey writes to you how the family are

[Address: Hillsboro.]

1904 (before I found Judge Murphey's letters to Col. Polk): "I hope you will be able to find some references to Peter S. Ney in Judge Murphey's correspondence. Evidently they were warm friends. I doubt not Judge Murphey knew who he was." Dr. Weston also quoted a letter of P. S. Ney showing his friendship for Murphey. See Weston, *Historic Doubts as to the Execution of Marshal Ney;* Rev. J. L. Gay, *The True Story of Marshal Ney and other Notable Frenchmen who have found an Asylum in America* (St. Louis, n. d.); T. Buerbaum, in *Charlotte Observer*, June 13, 1909; H. Niessen, *Marschall Ney. Ein Lebensbild* (Sarrelouis, 1902), pp. 116 *et seq.;* G. C. Genet, "A Family Record of Ney's Execution," in *The Century*, July, 1896; *Notes and Queries* (London), 10th series, VIII. (1907) 288; *ibid.*, IX. (1908) 229; Draper MSS., Series R. R. (10 vols.), State Historical Society of Wisconsin; P. S. Ney to George Bancroft (?), Jan. 12, 1846, in Henry R. Schoolcraft MSS., Library of Congress; P. S. Ney to James Madison, Oct. 1, 1831, in James Madison MSS., Library of Congress.

[1]A. L. S., in the possession of Judge A. M. Aiken, of Danville.

[2]Romulus M. Saunders.

From Treasurer John Haywood.[1]

RALEIGH 13th Septemr. 1827.

My dear Sir,

As soon as the Governor had closed the Business of the Meeting of the Council of State, and that Body had dissolved its Session, I lost no time in submitting to him the Letter with which you had favoured me some time previously, covering a Communication from Tennessee to your son in regard to the Lottery authorized by our last Assembly and of which you made mention. We had a Conversation some days afterwards on that subject, but without the assistance of any other Member of our Board;[2] all of whom remain still absent from this place. I pressed the Business as far as I decently might do, but was left under the impression that the Governor did not think the Proposition of the Tennessee Brokers came up to the intentions and views of our Legislature in passing the Lottery Act. * * * I am one of those who have long thought Business of this, and indeed of almost every kind is far better and more promptly done by one man than by a Board. On the next Week, however, should I be able to be up, I will endeavour to obtain some decision in regard to that which can or cannot be done, touching this Lottery business, which has hitherto appeared to promise little and to look altogether forbidding in prospect.[3]

* * * * * * * * * * * * *

I regret exceedingly that you have not all the Means necessary to the progressing with your History. The sum needed certainly ou[gh]t to be within the power of a State to command, and I feel it ought to have been commanded, but the Matter has not been well managed at the Assembly.

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[1]A. L. S., in the possession of Judge A. M. Aiken.

[2]The President and Directors of the Literary Fund.

[3]The authority given to the Literary Board by the last Assembly to raise $50,000 by lottery was never exercised, because none of the lottery brokers of the country would buy the privilege. See Coon, *Beginnings of Public Education in N. C.* (*Pub. N. C. Hist. Com.*), I. 384-385.

My Neck is crooked and I see obliquely only and use my eyes with some Pain. For the present I bid you adieu therefore and remain always, much and truly,

Your affectionate friend,

JOHN HAYWOOD.

[Address: Haw River.]

From Chief Justice John Marshall.[1]

RICHMOND, October 6, 1827.

Dear Sir:

Your Oration delivered in Person Hall, Chapel Hill, reached this place during a visit I had made to our mountain country. It was taken out of the Post Office and placed on a general table, among a number of papers and pamphlets received during my absence, and was not perceived till to-day. I mention this circumstance as an apology for having permitted so much time to elapse without making my acknowledgements for the gratification derived from its perusal.

I take a great deal of interest in your portraits of the eminent men of North Carolina, who have now passed away from the theatre of action. It was my happiness to be acquainted with those of whom you speak as being known to yourself, and I feel the justness of the eulogies you have bestowed upon them. I never heard Mr. Davie or Mr. Moore at the Bar, but the impressions they both made upon me in private circles, were extremely favorable, and I think you have given to the character of each, its true coloring. Neither have I ever heard Mr. Stanly, but I have known him also in private, and it was not possible to be in his company, without noticing and being struck with his general talent, and most especially his vivacity, his wit, and his promptness. He appeared to be eminently endowed with a ready elocution, and almost intuitive perception of the subjects of discussion. With Mr. Haywood and Mr. Hender-

[1]From the second edition of Murphey's Chapel Hill Oration (Raleigh, 1843.) This edition was printed for the Dialectic Society of the University, and the letter doubtless came from President Swain's collection of the Murphey papers.

son, I was well acquainted, and have heard them often at the bar. They were unquestionably among the ablest lawyers of their day. I saw not much of Mr. Duffie, as a professional man, but thought him a pleasing, agreeable gentleman. You omitted one name which ranks, I think, among the considerable men of your State. It is that of the late Judge Iredell. I was well acquainted with him too, and always thought him a man of real talent.

In the rapid sketch you have taken of the Colonial Government, some circumstances excite a good deal of surprise. The persecuting spirit of the high Church party was still more vindictive than I had supposed and the principle of limiting your laws to two years, was, I believe, peculiar to Carolina. The scarcity of books, too, which seems to have prevailed ever since the revolution, is a very remarkable fact. Although I concur perfectly in the opinion you express that much more advantage is to be derived from the frequent and attentive perusal of a few valuable books, than from indiscriminate and multifarious reading—that cramming injures digestion—yet some books are necessary not only for ornament but use.

Allow me to thank you for the pleasure I have received from the perusal of your Oration, for I must suppose that I am indebted to yourself for this mark of polite attention, and to express my particular acknowledgements for the flattering notice you have taken of the life of Washington. That work was hurried into the world with too much precipitation, but I have lately given it a careful examination and correction. Should another edition appear, it will be less fatiguing, and more worthy of the character which the biographer of Washington ought to sustain.

With very great respect and esteem, I am, sir, your obedient servant,

J. MARSHALL.

The Hon. Archibald D. Murphey, Haw River, North Carolina.

To Judge Ruffin. RUFFIN MSS.

HAW-RIVER. 12th. Nov. 1827.

Dear Friend.

I write to You on the eve of my seting out for Nashville and when I am exhausted beyond any Point I ever was at heretofore. I speak not extravagantly when I say that for ten days past I have not had half time to sleep and not an Hour to spend with my Family. Crowds upon Crowds day and Night have been here and my Mind as well as Body is worn down. Since I saw you I have suffered the extreme of human Misery. For five Weeks I Was tortured by a fever from the Influenza, which inflamed my Foot, produced Mortification and Pain that was almost insupportable. I was in that Condition when Mr. McLemore called at Lexington to see me on the Subject of my Suit with McKenzie, and soon convinced me that I must go to Nashville this Fall. I incur great Risk in going; but my Salvation is at Stake in that Suit and I am determined to make the Trial of a Journey. Perhaps the Trip may cure me.

Mr. McLemore is of Opinion that if you have any intention of going to Nashville, you should go immediately. There is a greater Opening just Now than will probably happen again at the Bar. Mr. Crabb is appointed to the Bench of the Supreme Court and Mr. Bell (who Mr. McLemore says is the next Man to Judge Brown) is elected to Congress. I have no doubt, his Opinion is correct. You could soon occupy the first place at the Bar at Nashville. I will make enquiries of Balch and Others as soon as I reach Town and write to You. McLemore says, if you will work fifteen Hands on your Lands on Hatchie, you may calculate on a net Income of $2.000 or 2500 Per Year, if Cotton will bring 10 cts. Joel Estis is making from $2 to 3.000 on his Farm. He raises both Cotton and Tobacco, and manufactures his Tobacco. Your plantation will be about 210 or 220 Miles from Nashville. You may visit it in a Steam Boat in three days.

I should regret to part from You. I shall never find such another Friend. But so far as Interest is concerned, you will certainly consult it in a Removal: and you will find Talent

and much energy of Character at Nashville. Indeed we have Nothing like the impulse and excitement which are to be seen there.

* * * * * * * * * * * * *

I have made Nothing on my Circuit. My Condition as an Invalid and my long ill Health have induced a general belief that I shall not be able to ride the Circuit. This was expected in some degree, but not to the extent that I found it. I wish I could live in some other way. But my Destiny seems fixed: to labour incessantly and make but little. I have Reasons to love Tennessee. I have there always had good Luck, every thing I ever engaged in there succeeded. I would go: but in the present Condition of my family, it is impossible.

Wm. * * * goes at my Request to take Care of me and assist me in my Business. I wish you would write to me at Nashville. Affectionately Yours.

A. D. MURPHEY.

Judge Ruffin.

[Address: Hillsborough.]

From Judge Ruffin. RUFFIN MSS.

HILLSBOROUGH. Decemr. 8th. 1827.

Dear Sir.

* * * * * * * * * * * * *

Iredell is Governor: Settle,[1] it is said, Speaker: John Henderson turned out[2] by one Grant of Halifax—the admr. of Frank Child! "*born* a democrat," he says: Colo. Jones[3] has resigned—it is believed, Morehead will succeed him, tho' Scott says *he* will and I hope and you too, that Sanders[4] will. Nothing doing at Raleigh, but Elections and talking about the

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[1]Thomas Settle.
[2]John L. Henderson was state comptroller.
[3]The Solicitor-General. He was succeeded by John Scott.
[4]Romulus M. Saunders.

Treasury. I am glad to see, that *Taylor* no longer presides at Washington. I shall be glad to hear often from you, especially if you can send good news of your health and affairs.

Yours truly

[Address: Nashville, Tenn.] THOMAS RUFFIN.

From General Joseph Graham.[1]

VESUVIUS FURNACE, 20th of December, 1827.

Dear Sir:

Some time past, I forwarded you certain sketches relative to occurrences in the Revolutionary War in the Western part of North Carolina. I have since perused Johnson's History of the life of Gen. Greene, and strictures on it, by Lee, Jr., and would beg leave to correct some errors into which they have fallen.

1. It is stated, not only by these Historians, but by most others, that after Lord Cornwallis arrived in Charlotte, he attempted marching to Salisbury. Tarleton's legion, and a battalion of infantry, after they had dislodged Col. Davie's command in the village, pursued six or seven miles, to Sassafras fields, (where I was wounded,) and returned the same evening. After this, no part of the British army went two miles on the Salisbury road, until they retreated from Charlotte, upon hearing of the disaster at King's Mountain.

2. It is stated, by the historians generally, that about, and on, the first of February, 1781, the Catawba river was swollen, and that this was the reason why Lord Cornwallis did not pursue Gen. Morgan more closely. The statement is erroneous. During the three days immediately preceding the 1st of February, my command of cavalry or portions of it, crossed the river at different fords; and it was not flusher of water than is usual at that season of the year, until the rain, which fell on the even-

[1]From the *North-Carolina University Magazine*, III. (1854) 405-409. Copied in Graham, *Gen. Joseph Graham and his Revolutionary Papers*, pp. 202-207.

ing of the first of February. This did occasion a rise in the Yadkin, which intercepted the British after Greene's army had passed, on the third of February.

3. Much is stated, and contradictory accounts are given, as to the part Gen. Pickens of S[outh] C[arolina] acted, in that campaign. The facts are these: After the retreat from Cowan's Ford, on the 1st of February, Gen. Pickens with five or six South Carolina refugees, was in the rout of our troops, North Carolina Militia, on the same day, by Tarleton's Cavalry at Torrence's Tavern, six miles eastward of the river. Gen. Davidson, the commander of this force, had fallen, and there were doubts and disputes among the field officers, as to who should succeed him. In this condition of affairs, while my cavalry were beyond the Shallow Ford of the Yadkin, hanging on the rear of the enemy, it was mutually agreed by the field officers to invest Gen. Pickens with the command of Davidson's troops, amounting to six or seven hundred men. This was about the 11th of February, and the South Carolina refugees might then amount to twenty or thirty men. James Jackson, of the Georgia line, a Lieutenant, was appointed Brigade Major. He has since been a member of Congress and Governor of that State. After this organization, the Brigade proceeded, crossing the Shallow Ford of the Yadkin, through Salem, to Guilford Court House. Here intelligence was received of the movement of the enemy to Hillsboro—and we took that direction, more condensed and cautious than before. Hitherto, the march had been regulated by detachments for the convenience of procuring subsistence.

Arrived at a mill, on Back or Stony Creek, some twelve or fifteen miles from Hillsboro', in the evening of the 17th of Feb., shortly after we had encamped, the Brigadier Major gave orders that Captain Graham should furnish twenty dragoons, and Captain Simmons, of Rowan, a like number of riflemen. As soon as these officers reported their quotas in readiness, Gen. Pickens himself came and gave these two officers orders, as follows, viz: "You will proceed down the road towards Hillsboro' with the greatest caution and circumspection. If you find any detachment of the enemy out, inferior to your own, attack them. If you discover a larger party

beyond supporting distance from their main army, and you can keep yourselves concealed, give me notice, and I will come or send an additional force to assist you. But if you ascertain you are discovered by a larger party of the enemy return immediately. In any event, return early in the morning; for they will then hear of you from the inhabitants of the country. If I move from this place, you will find my trail up the west side of this creek and may join me by 10 o'clock tomorrow."

There were four or five volunteers who went with the party besides those ordered; but none of them were present when the orders were given. Among others I recollect Major Micajah Lewis, (a continental officer who was killed a few days afterwards at Dickey's,) and his brother Joel. But though of superior rank, neither Major Lewis nor any other, assumed any command over the detachment, or the officers who had received the General's orders. The party set out between sunset and dark. After proceeding several miles on the Hillsborough road, and when it was fully dark, met Robert Fosset, (usually called, as I understood, mad Bob,) and another person, whose name is not remembered. They were direct from Hillsborough, and gave us the first information of a picket at Hart's Mill, supposed to be about thirty in number. We determined to attack them at light in the morning. Gen. Pickens certainly knew nothing of this picket being at the mill when he detached us, although it is otherwise stated by Johnson. Fosset at first thought we were a party of the enemy. We compelled him to be our pilot. If he is yet living, I would beg leave to refer you to him for subsequent events. In the morning, when we approached the picket, their sentry fired: and a sergeant and file of men came immediately to his support. Simmons and his riflemen dismounting and tieing their horses, the sergeant and party fired in the direction of the noise, for they could not see us. Major Lewis, myself and six others crossed into the road leading towards Mebane's, and charged down this road after the sergeant and party, who ran, until we came within sight of the picket. Major Lewis then suggested to me the advantage the riflemen might have, by passing to the right, under cover of the hill, until they should be masked by some out buildings, (I think a stable and smithshop.) We instantly returned and

gave Capt. Simmons his instructions, and the cavalry moved off to the left, through an old field, above where buildings have since been erected, in order to attract the attention and fire of the enemy, until the riflemen should gain their destined position. The plan succeeded as we expected. Owing to the great distance, the cavalry sustained no damage from the enemy's fire; and as soon as the riflemen, at the distance of only fifty or sixty yards, in their concealed position, had discharged their pieces at the picket, the cavalry charged, and the whole, consisting of twenty-seven men, were instantly killed or taken.

Now, Johnson states, that this party was under the command of Col. Hugh M'Call, of South Carolina, and was of those who had been with him at the Cowpens. Some two or three volunteers were along, besides the Lewises as above-mentioned. If Col. M'Call was one of them, it is not remembered by me and others who were present, and of whom I have made inquiry, since the appearance of this statement. But if he was present, certain I am he had no part, either in planning, or in the execution of the capture of the picket referred to. Nor did we consult respecting it with any other person, except Maj. Lewis, (who was a real soldier). His counsels were deferred to by us, knowing, as we did, his past service and experience. But Captain Simmons and myself gave the orders, and felt the whole responsibility. If M'Call was along, he was no more than a spectator. Several, yet living, can vouch for this. When the Brigade was organized west of the Yadkin, no officers from the South were recognized but General Pickens and Major Jackson. For we had over our proportion of field officers from North Carolina, and didn't need them. When our party and prisoners arrived in camp, the Brigade immediately moved nearly a North course ten or twelve miles, and halted to forage, about mid afternoon, at a farm with high fences, having left a strong guard in the rear. In half an hour, there was an alarm by a man from the guard, who reported "Tarleton was coming." It being too late to retreat, a disposition was made for battle by lining the fences with men, and making gaps at suitable places for cavalry to move as circumstances might require. By the time these arrangements were made, a part of the rear guard and Colonel Lee's legion hove in sight. Lee

had come upon our trail a few miles back, and we were most agreeably disappointed in greeting him instead of Tarleton.

I am confident that this was the first interview between Lee and Pickens, during the campaign, and my impression always has been, that previously to this time neither Gen. Greene nor Colonel Lee knew any thing about where Pickens was, or what was his force: nor did Gen. Pickens know that any part of Greene's command had re-crossed the Dan.

4. As I anticipated in the introduction to the sketches I furnished you, the historians of that War have greatly failed to do justice to the troops of N. Carolina. For example, every thing that was done by General Sumpter's force at Hanging Rock, Rocky Mount, etc., while he commanded North Carolinians in 1780, and by that of Pickens, while he commanded Davidson's Brigade in 1781 as above related, is placed to the credit of South Carolina from the circumstances of those two Generals commanding. Judge Johnson even states that at the battle of Cowpens, Major Joe McDowell and his command from Burke county in this State were from South Carolina.

5. Col. Lee having written his Memoirs upwards of thirty years after the transactions he relates, has omitted to mention many things, and of others he must have forgotten the circumstances: though upon the whole, he is more correct as far as I had a personal knowledge, than any other historian I have read. You may recollect that in his memoirs he passes unnoticed the skirmish at Clapp's Mill, although he had command of the party engaged. Col. Otho Williams calls it "the skirmish on the Alamance," and says we had but three killed. On the day after the action, Pickens and Lee detached me with a party to the battle ground, and I got the inhabitants to bury eight of our men, (all militia, and two of my own company). I beg leave to refer you to what I have written before on this subject.

6. Johnson's History is the only one I have seen, which notices the fact that, on the second night after the affair at Clapp's Mill, or Alamance, a detachment of British cavalry fell in with a party of Tories on their march to join the British, and that mistaking each other for adversaries, a number of the Tories were killed or wounded, before the mistake was dis-

covered. But he appears to know nothing of our party teazing the British in the afternoon: and at night charging and dispersing their patrol, and capturing its commander, and that these were the reasons why a large body of horse were dispatched up the Salisbury road, which met the Tories and occasioned the mishap he mentions. This you will find in the sketches.

7. Lee states that at Pyles' defeat, the action was commenced by the firing of the Tories on the Militia, in his rear. Whereas, the fact was, that I riding in front of the Militia dragoons, near to Capt. Eggleston who brought up Lee's rear, at the distance of forty or fifty yards, pointed out to him the strip of red cloth on the hats of Pyles' men, as the mark of Tories. Eggleston appeared to doubt this, until he came nearly opposite to the end of their line, when riding up to the man on their left, who appeared as an officer, he inquired, "Who do you belong to?" The answer was promptly given, "To King George," upon which Eggleston struck him on the head with his sword. Our dragoons well knew the red cloth on the hat to be the badge of Tories, but being under the immediate command of Lee, they had waited for orders. But seeing the example set by his officer, without waiting for further commands, they rushed upon them like a torrent. Lee's men, next to the rear, discovering this, reined in their horses to the right upon the Tory line, and in less than one minute the engagement was general. Colonel Lee being in front, and at the other end of the line, say forty poles, from where the action commenced, might have believed the Tories first attacked us. If, however, he had inquired of Capt. Eggleston, he could have informed him otherwise.

As to other events, of which I have a personal knowledge, there are misrepresentations, but it is not convenient for me to point out all of them. I am sir, very respectfully,

Your most obedient,

J. GRAHAM.

The Hon. A. D. Murphey.

To Dr. James Webb. M. MSS.

NEAR COLUMBIA. TENNESSEE. 9th Feby. 1828.

Dear Doctor.

* * * * * * * * * * * * *

I have not yet settled the Controversy to the tract of Land on Duck River, which induced me to come out. The incessant Rains ever since I came out have delayed me in this Business; and I found more difficulties to encounter than I had expected. I hope soon to settle the Controversy and sell some of the Lands. I have encountered great Risk of my Life and suffered Pain beyond Description since I left home. My Health is improving and I am pretty free from Pain. It is quite uncertain on this Week when I can return home. * * * Should I not get back to Our Superior Court, beg my Brethren of the Bar to continue all my Cases on the Law and Equity Dockets.

Affectionately Yours.

A. D. MURPHEY.

Dr. James Webb.

[Address: Hillsborough.]

From John P. Carter. M. MSS

THE OAKS. April 30th 1828.

Hond. Sir

We have reached home Safely and found all well. I shall set about arrangeing my affairs as well as I can. * * * If I can only get clear to Alebama how different will be my course and conduct. I mean to take a most *Solemn Oath* never to Sign another obligation or contract to pay money or go in debt one dollar. I will Starve, Steal or beg first. I have a perfect horror of debt. It is worse than death itself to be duned and harrassed and unable to pay. You will Hond. Sir find me an altered man. A man is rich who owes nothing because he is independent. A rich man in debt is a poor devil a mere Slave who lives moves and has his being at the will of another. Would to god We were both in Alebama, were pennyless but free from

that monster debt: how happy and how Soon would We be independent. All the ardor and energy of 21 will again be Roused in me. I am now 30, with some acquirements, but a mind too much neglected, great pride, a determined purpose and a plentiful Stock of dear bought experience. I feel confident that I can rouse myself from a Lethargy of five years and yet fulfil my own wishes and your first hopes and expectations. By a removal to Tuscaloosa your health will be fully restored, your naturally Strong constitution renovated, and you may yet spend many years of honor and usefulness serounded by your Children and friends, who will appreciate your worth. The young and Vigorous State of Alebama, aboundant in resources and energy but difficient in men of talents and experience, will cherish, with ardor and devotion, those talents, and love of country, which have met with cold indiference if not Signal ingratitude in your native State, which owes all the little character it possesses to your unrequited Services in the cause of Science and internal improvements. Alebama needs your Services. She has many citizens who know your character, and would hail your removal as a fortunate era in her history. Let me beg you Hond Sir, to turn all your attention to this great desideratum. Now is the time. Your practice here is lost, for the present and will require years to renew it and then what will it be. Barely a poor pittance to Sustain life. By heavens I had rather be a toad and feed on the Vapour of a dungeon than lead Such a life. No Hond. Sir, quit No. Ca. You are reserved for other and higher distinces than to live the Slave of a Set of Venal wretches. I am no enthusiast. I know you thoroughly, and I have Seen and approached the great of the land. I am not disposed or capable of flatering you: in justice to you I must say, that you need fear no competition or rivalry West of the Mountains, and that your destiny is in your own hands. Cornelia joins me in affectionate regards to you Mrs. Murphey and family. Sam has not yet got back. I expect him daily. Let me hear from you.

Yours most Respy and affecty.

J. P. CARTER.

I have assured Messrs. Cosby, that they will get their money early in June on the Strength of the $1000 you will let me

have. It won't do to disapoint them, as this would at once blow me up. I hope you have Started Archy[1] to Tennessee, as I must get the release from the bank before I can do any thing with my property. Any way every day is important.

J. P. C.

[Address: Haw River.]

To Judge Ruffin. RUFFIN MSS.

HAW-RIVER. 31st May 1828.

My dear Friend.

I am a little easier on today. My Fever is declining and as that declines, the Pain abates, but I can't talk, write or read five Minutes without an increase of fever. I can't write to you on business nor even think about it. My Lot is a melancholy one. My Family forever sick, Myself the Victim of Anxiety and Pain. What have I done that Heaven has singled me out for such misery in this life? I complain not of the dispensations of Providence; I exert all my Patience and Fortitude; Yet I feel confident, if my debts were paid and my poor Wife provided for, I should incessantly pray that Death would relieve me from my Sufferings. Ten days ago my Heart beat high with Hope; I thought my Health was restored, and that Pain had forsaken me. Now, I am just geting up from a Bed of Sickness, and just geting free from the most distressing Pain. This is probably to be my fate for the balance of my Life.

As soon as I get able I will write to you on Business. One thing I will mention as a little cheering; from examinations that one or two Men have made, it is probable there is one and perhaps three Gold Mines on this tract of Land. If I get able to walk about I will have a further examination made next Week. Affectionately Yours.

A. D. MURPHEY.

Judge Ruffin.

[Address: Hillsboro.]

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[1]Archibald Murphey, son of Judge Murphey's brother John Greene Murphey.

From John C. McLemore.[1] RUFFIN MSS.

My Dear Sir NASHVILLE 6th. July 1828.

Yours of the 21st. May last with a packett of Deeds was handed me by your nephew Archd. Murphey on the 13th. ulto. I wrote you a few lines in reply the same day and promised to write at large by Archd. I have the pleasure to inform you that I have at last with much difficulty succeeded in raising the sum you request ($1100.) which I send you by Archd. * * * I go the whole for you—take care of your health—if you live I know you will some day or other pay me, and if you die I shall not regret having befriended such a noble soul. * * * I trust a kind providence will still continue his protection to us both, and that we shall yet both live a long and happy life, and that we may live to see the Hero of Orleans he who has "filled the measure of his Countrys glory" elevated to the first office in the gift of a free people and serve out his term (as he will no doubt do) with honor to himself and our free and happy Country. I love my Country and my friends, may god preserve Andrew Jackson one of the best of men, our free republican institutions, and yourself and all such worthy friends is the earnest prayer of one who feels a deep interest for the prosperity of you and them.

Very Truly and affectionately

Your friend

JNO. C. MCLEMORE.

A. D. Murphey Esqr.

* * * * * * * * * * * * *

[Address: Haw River.]

To Thomas Ruffin. RUFFIN MSS.

Dear Sir. HAW-RIVER. 27th. Dec: 1828:

Your Note of the 20th Inst. did not reach me Untill After the Stage had passed on for Raleigh on Thursday. This will not

[1]John C. McLemore, of Nashville, formerly of Raleigh, a surveyor, locator, and salesman of lands in the Western District of Tennessee. See *Raleigh Register*, Dec. 6, 1811; Raleigh *Star*, June 20, 1823.

of Course reach you before Tuesday Morning. Having no Business in Raleigh except a few Suits in the Supreme Court, and there being no Probability that any of them will be taken up, except the one of Wright vs. Robeson, I will decline going down; but earnestly request You, if upon looking over the Papers in this Case, you think We can get a Decree, to prevail on Mr. Nash to let it be heard. My Client thinks I have delayed the Hearing Of the Case Unnecessarily, altho' I have urged my ill Health as a good Reason for the delay. I expect the City is crowded just now, And I might meet with some difficulty in geting a warm Room. My Health is entirely good, and I am again growing fat. A little exposure would probably lay me up during the Winter. I am here busily engaged in Reading and Reviving my Stock of Knowledge. I feel conscious of a sad Declension within the last three Years: But a few Months of close Study would bring me up; and I am endeavouring to apply myself with diligence.

I will send some Flour to your Family on the day after Tomorrow. It is probable I may be in Hillsboro' on that day. If you will let me know the Time when your Family will remove,[1] I will send my Waggon.

I have not yet Received any Letter from M'Lemore. I look for one every Mail. I hope I can make through him the Arrangement you desire. What may be my Course of Fortune next Year, I can't pretend to predict. I shall labour to merit good fortune; If I fail I shall have the Consciousness of having done my duty. I told you I should make a great effort, and I feel that I shall be able to do so. I join you in Prayers to Heaven that it may be crowned with Success! I shall work Anthony's Gold Mine, if I can get Hands. I will put this Work in Operation before my Circuit commences; the Trials I have made convince me I shall loose Nothing. Whether I can make any thing remains to be seen. Little can be done before the Month of April.

What shall I say to old Tom? I may not be able to pay you the Money for him in January, perhaps not in February. There

[1]Ruffin had just resigned from the Superior Court bench to accept the presidency of the State Bank, and was about to remove to Chief Justice Taylor's home in Raleigh.

are but few Courts before March, And if the Winter be wet, I can't send out much Flour. The old Fellow is at me whenever he gets the Chance; He has lost Hope of William's buying him. I have told him very candidly my difficulties; but he still Relies upon my doing Something for him. Will you hire him for 3 Months? By the end of that time I could ascertain Whether I could pay the Money for him.

I had a Letter from Moreau[1] on this evening. He is delighted with his Situation And I hope is doing well. If all my Children were like him, they would afford great Consolation. His Talents are moderate, but his Feelings are fine. Farewell! May God prosper You and bless You!

Your Affectionate Friend.

Judge Ruffin. A. D. MURPHEY.

[Address: Raleigh.]

To Thomas Ruffin. RUFFIN MSS.

HAW-RIVER. 3d Feb. 1829

Dear Sir.

My Waggon was on the point of starting to Hillsboro' on this Morning when William came over and informed me of Judge Taylor's death, and delivered me a message from Mr. Kirkland not to send the Waggon until I should hear from you.

Will the death of Judge Taylor change your views? If neither yourself nor Mr. Gaston should wish the appointment, I should be glad to get it.

Mr. Gaston, Mr. Badger and yourself are the only persons of the Bar qualified for the Appointment. If the way be open, I ask you as a friend, whether I ought to feel any Solicitude upon the Subject. It is probable, that by your influence with the Governor and Council, I might in such event succeed. But you will understand me as having no Wish for the Appointment contrary, or in Opposition to yours. Mr. Badger will, I expect, get an Appointment from Genl. Jackson. I have learned from various Sources that the Genl. intends to bring

[1]He was studying medicine in Philadelphia.

into notice some of our Citizens. And from his friendship for Col. Polk and the Talents of Mr. Badger, I have calculated upon his selecting Mr. Badger for the office of Attorney General, or for a foreign Mission.[1]

When will the Governor be in Raleigh? Write to me fully and freely. Your affectionate friend,

A. D. MURPHEY.

Judge Ruffin.

To Colonel William Polk. M. MSS.

HAW-RIVER. 15th June 1829.

Dear Col:

* * * * * * * * * * * * *

I am recovering from one of the severest Attacks of Fever and Rheumatism that I have ever had. My Fever lasted twelve Weeks, and has left me extremely weak. As soon as I get a little Strength, I intend to publish several Pieces under the Signature of Florian, relative to the Revolution, on which I shall be glad to get your Strictures, as I shall not have an Opportunity of shewing you the Manuscripts.

Affectionately

Yours.

Col: William Polk. A. D. MURPHEY.

[Address: Raleigh.]

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[1]Gov. Owen gave the temporary appointment to the Supreme Court bench to John D. Toomer. Badger (who was a son-in-law of Col. Polk) did not get an appointment from Jackson, but Senator Branch of North Carolina was made secretary of navy. When the Assembly met in the fall Murphey was a candidate, not for the bench, but for Branch's seat in the U. S. Senate. Ruffin was urged to become a candidate for this position, but he declined and was elected to the Supreme Court. The senatorial election was hotly contested. The Westerners had announced that they would vote together so long as the eastern men "hoist the banner of local jealousy, so long as they continue to engross to themselves all the important appointments and carry their points by the force of sectional feeling"; but they put forward nearly a dozen candidates, and in the scramble Bedford Brown, an eastern man, was elected after 15 ballotings. See Peele, *Lives of Distinguished North Carolinians*, p. 291; Ashe, ed., *Biog. Hist. N. C.*, I. 182-183; Raleigh *Star*, Oct. 15, 1829; *Western Carolinian*, Oct. 27, Dec. 8, 15, 1829.

To Thomas Ruffin. RUFFIN MSS.

HAW-RIVER. 26th July 1829.

Dear Friend/.

My Rheumatism has left me. I have had no Pain for two Weeks: But I still labour under Debility: my Feet and Legs swell and I am distressed by Night Sweats. My Appetite is good and I am Recovering Flesh. I ride about as much as I can, being unable to walk or to take exercise on Horse Back. On the whole I am much better. I labour to abstract my Mind from all Business, and Amuse myself as much as I can with the Gold Mines, riding sometimes to one and sometimes to Another. At Present I am Occupied with the Plans of a French Chemist (Monsieur Dauvergne) whom the Gold Mines of this State has brought from Philadelphia. Mr. Gibson[1] had stopped him as he was going to the West, And there I found him. I saw him make several experiments at Mr. Gibson's which convinced me that he understood the Art of Collecting Gold And Also of Assaying it to the greatest Finess. I saw him flux three Oz. of common Ore and get 8 Grains of pure Gold. Mr. Gibson told me he had a few days before fluxed 3 Oz. of Rich Ore and obtained 19 Grains. I saw him refine a Bar of Gold to 24 Carats. The expertness he manifested, shewed clearly he was Master of his Business. I should have doubted all these Results and believed there was some deception Used, had not Another Chemist passed on a short time before and obtained Gold pretty much in the Same way, and rather more than half the Quantity. Mr. Dauvergne assured Us that our Mines were rich; but that the Gold was so fine that it floated off in our Ways of Washing, so that we did not upon an Average get a fiftieth Part of it; that We should either flux our Ores or wash in small Mills, wherein the Water must be confined and drawn off only Occasionally; that even a gentle Current during the Process of Washing would take off nearly all our Gold. He thinks from the few Trials he has made, that our Richest Ores

[1]Joseph Gibson, who lived near Gibsonville, Guilford County. See K. P. Battle, ed., *Diary of a Geological Tour by Dr. Elisha Mitchell in 1827 and 1828* (*James Sprunt Historical Monograph*, 1905, No. 6), pp. 13-14, 59.

will yield (if fluxed) 150 DWT from 100 lbs. Weight: And our Common Ores from 30 to 75 DWT. There is a great difference in the Richness of the Ores.

I brought him home with me, and am erecting 4 small Furnaces under his direction for the Purpose of fluxing the Ores; and Also some small Mills for the Purpose of Washing upon his Plan. He says that in a few days he can tell me what my Ores are worth; And if as rich as they appear to be, I ought to make $600 Per Week, by working 4 Mills and 10 Furnaces. The entire Cost of both will not exceed $100. Eight Hands are enough to get the Ores, prepare them, and Attend the Mills and Furnaces.

I have thus given you his Plans and their promised Results. I have ceased to be sanguine about any thing, and therefore shall wait with Patience Untill I see what can be done. If one half or one fourth be effected that is promised, I shall do a better business According to my force than any Man engaged in collecting Gold in North Carolina.[1]

Mr. Dauvergne appears to be a well bred Man; but he is so little acquainted with our Language that I can't understand one half that he speaks; and therefore shall probably not have my Work done exactly right. He left his Trunk in Raleigh in Care of *Mr. Storer,* (the Musick Master, I believe) who lives in Jehu Scott's old House across the Street from the Hotel. On last Week, the Stage Driver was requested to bring it up. It has not come. Will you do Mr. Dauvergne the Favour to call and enquire of Mr. *Storer,* whether he has forwarded the Trunk; and if so, to what place; if not, to send it by the Stage to the *Haw-River* Post Office, together with such Letters (if any) as may be in the Office at Raleigh for Mr. Dauvergne.

This Business, even if it yields no Money, will give me some Amusement and keep my Mind from Subjects that depress my Spirits. On this Week he will test the Value of my Ores of all descriptions, so as to obtain an Average Value. On next Week I will write Again and inform you of what he does.

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[1]Murphey worked the Gibson mine about a year. Jonathan Worth, afterward governor of the State, was associated with him in this venture.—Ruffin MSS.

Will you oblige me so far as to get some Friend (Mr. Peace[1] or some other) to enquire Whether I can get any Lees of Wine in Raleigh: and, if so, how much and at what Price. Mr. Dauvergne wants it for Part of his Flux; and instructs me to get a Barrel of it, if possible, to begin with.

Remember me in the kindest Manner to Anne and all the Children. Most affectionately

Yours.

Thomas Ruffin esqr A. D. MURPHEY.

[Address: Raleigh.]

To Thomas Ruffin. RUFFIN MSS.

HAW-RIVER. 5th Sep. 1829.

Dear Sir.

* * * * * * * * * * * * *

On today I set off for Davidson to take exercise and see the Gold Mines. I am not prepared yet to give you a final Answer as to Mr. Dauvergne's Methods of collecting Gold, not being able yet to get a few things that he wants. Your Letter about him has done more to cure me of Rheumatism and low Spirits than all the Medicines I have taken. I read it over and over again, laughed and shook my Sides, till not a Particle of low Spirits remained. I keep it as a Treasure and as a Nostrum. Pray write me two or three more of them, when you feel in the proper Mood. He is however a decent Man and I hope will give me some Useful information.

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[Address: Raleigh.]

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[1]William Peace, a merchant of Raleigh.

To Thomas Ruffin. RUFFIN MSS.

GREENSBORO'. 18th. Nov. 1829.

Dear Sir.

* * * * * * * * * * * * *

I continue well. The Rheumatism is either gone or sleeps during my Confinement to a warm Room. The good People continue their Kindness to me, and I am as comfortable as I could even hope for in my Condition. I shall apply for my discharge on Tuesday next.[1]

Affectionately Yours.

Thomas Ruffin esq A. D. MURPHEY.

[Address: Raleigh.]

To His Son William Duffy Murphey. M. MSS.

Dear William/

I cannot commence Life again without some Money. I have thought it probable that you could borrow from Mrs. Foust the Money which Mr. Clendening will pay to her, Or at least $150 of it. Perhaps I could make out with $150. If you can obtain this Money, I beg you to do so. I can replace it during the Year. I can't pretend to keep House without Money; nor can I make any Preparations for it.

Affectionately Yours.

Mr. William D. Murphey. A. D. MURPHEY.

2d Jany. 1830.

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[1]On Nov. 4th, while attending court in Greensboro, Murphey was arrested and put in jail for a debt of $2138 for which one Arthur Harris had obtained judgment against him in Guilford Superior Court. After remaining within the walls of the prison for the required period of twenty days, he took the insolvent debtor's oath and was released. For an account of this imprisonment, see Appendix, vol. II. p. 430. On the day before his arrest Murphey made an agreement with Ruffin to sell him all of his property for $20,750, to be allowed as a credit on his debt to Ruffin, amounting to $27,036. At that time the property was held by trustees under a deed executed in 1824, which provided that unless Murphey should pay the whole of his debt to Ruffin before April 15, 1829, the trustees

To Judge Ruffin. RUFFIN MSS.

HAW-RIVER. 6th. Jany. 1830.

Dear Sir.

Moreau went to Hillsborough and endeavoured to get a House for me. He informed me on his Return that there was not a House in Town that could be procured. I then went to Greensborough and could find but one House in that place which was for Rent for the present Year. That House is small and uncomfortable, but I engaged it, and shall move to Greensboro' as soon as some Repairs can be made upon the House and Lot.[1]

As to the Library.[2] Unless I can save it, I shall not be able to follow my Profession with any Prospect of Success, nor shall I have any Resource for those literary pleasures, which in my *Condition* and at my Age, form in fact the Solace and Consolation of my existence. Can a Note signed by William and Moreau and well indorsed for $1000. be received at Bank to take up that Amount of your debt? If this can be done, You can assign the Library to them to keep them indemnified. I can probably take up $1000 of your debt in this way.

Then as to Bridget. If I can't keep her, I know not what I am to do when Cornelia shall leave me: And indeed if I should have one of the usual severe Attacks of my Complaint, Cornelia could not undergo the Labour and Fatigue of nursing me through it. I have to be nursed like a Child day and Night, and I should have died long since, without this Nursing. Bridget has nursed me more than any one else and understands how to do it. It is true I may get well: but this is altogether uncertain; and if I be doomed to a Return of my Sufferings

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should sell the property to satisfy it. The transfer of this property, including the Hermitage, was made to Ruffin by the trustees and Murphey on Dec. 24, 1829.—Orange and Guilford County records; *ante*, p. 287.

[1]Moreau wrote Ruffin on Jan. 10th: "After all the persuasion you made use of and the best advice which I could give, My Father has determined upon going to Greensboro." (Ruffin MSS.) Judge Murphey moved to Greensboro early in February, and Judge Ruffin established himself at the Hermitage a few days later.

[2]For an account Murphey's library (sold with the Hermitage, etc., to Ruffin), see Appendix, vol. II.

and have no one who can give me those Attentions which extreme Misery requires, what shall I do? I hope, therefore, you will oblige me in this Particular, if you possibly can. I can with Certainty pay you $300 for Bridget and the Interest, in the Months of March and April. If I fail, take her and sell her. She will bring more than that Sum.

If I had the Library saved and could retain Bridget, I shall not despair. Cornelia goes with me to Greensboro'. She wishes to live with me. I wish it. Mr. Carter wishes it.[1]

I think I am still better. Occasionally I suffer, but not for a long time. My Spirits are greatly affected. Pray write to me by the first Mail. Affectionately

Yours.

Judge Ruffin. A. D. MURPHEY.

[Address: Raleigh.]

To Judge Ruffin. RUFFIN MSS.

GREENSBOROUGH. 12th. Augt. 1830.

Dear Sir.

I have been labouring under great Debility all the Summer. The Fatigues of the Spring Circuit broke me down and I have not yet recovered from them. I have spent a good deal of my Time at the Springs, and I believe I could get well there, if I could stay two or three Months. I shall Return there in a few days. My Debility however continues and I fear I shall fail upon pleading my first Cause on the next Circuit. I wish I had a Seat on the Bench. Will there be a Vacancy this Winter? I mean the Circuit Bench.

Will you do me the favour to let me know the Decision of the Court in Dameron vs Mary Gold and Others, from Caswell; and of Wall vs Scales and Others from Rockingham. Also in the Mill Cases. I have particular Reasons for wishing to know as early as possible the Decision in the two first Cases.

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[1]Cornelia's husband, John P. Carter, had moved to Huntsville, Ala. He died there of consumption Jan. 4, 1830.

Drop me a Line to this place by the Mail. If I be at the Springs, Dr. Mebane[1] will forward it instantly to that place by the Northern Stage.

The election comes on tomorrow. I fear Mendenhall[2] will be beaten. Martin's Bank Bill[3] is the Order of the day, and all opposed [to] it in this Quarter, will, I fear, loose their election. I tremble for our Institutions, when I look around at the Folly which is geting the Ascendancy in every County. Next Winter will be big with events to our Peace and Happiness. Such a Legislature as we shall have has never before been seen in this State. Mr. J. M. Dicks election is very uncertain. Remember me Affectionately to Judges Hall and Henderson.

Request the Clerk to forward to me a Copy of the Decree in Hauser vs Bryson: mark the Fees, and Mr. C. Lash will send them on. Your Affectionate Friend.

A. D. MURPHEY.

Judge Ruffin.

[Address: Raleigh.]

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[1]Dr. John A. Mebane, of Greensboro, a brother of James Mebane.

[2]George C. Mendenhall, of Guilford County, a candidate for the House of Commons.

[3]A bill to establish a bank to be owned and managed by the State, introduced at the last session of the General Assembly by Robert Martin, of Rockingham County, and defeated in the Commons by a close vote, after passing the Senate. This measure was a product of the agitation led by Robert Potter, who, at the session in 1828-1829, nearly procured the passage of a bill to prosecute the three banks incorporated by the State. The banks were in a deplorable condition, and contemplated winding up their affairs. See *Report of the Representatives on Behalf of the State at the Meeting of the Stockholders of the Cape Fear Bank. 1828.* (Raleigh, 1828); *Debate on the Bill directing a prosecution against several Banks of the State and to restore and preserve the Character of the Circulating Medium, which took Place in the House of Commons *. * * Dec. 29, 1828-Jan. 6, 1829* (Raleigh, 1829); *Debate on the Bill for establishing a Bank of the State, in the Senate and House of Commons of N. C., in December, 1829* (Raleigh, 1830).

PETER UMSTEAD MURPHEY.

From a photograph taken about 1850.

P. R. Murphey

From Captain Herndon Haralson. RUFFIN MSS.

BROWNSVILLE 20th June 1831.

Dear Sir.

Mr. Kirkland arived at this place during the Siting of our Court last week; * * * Politics runs high; Mr. Kirkland had an Oppertunity of hearing some long and inflamatory speeches at our Court between Crocket and Fittzgerald our two Congressional Candidates. No late news from Herndon, we learn however that Govr. Houston has surrendered his Indian Agency and Stores in the Nation to Herndon and has gone himself to the Natchez to practice law, so says the Natchez and Arkansaw Gazettes.

Mr. Kirkland States, that you are able to attend the Courts in the convenient Counties, and is mending of your debility. We Pray God you may be able once more to come to Tennessee. My family is well, I enjoy good health and vivacity for a man of 73. Polly also enjoys good health. She joins me in the most earnest wishes that you may be restored to yours and for your happiness. Respectfuly

H HARALSON

When in N C. you suggested to me that you intended to send Umstead to read law with son Archibald. I wrote him on the subject. We looked for Umstead this Spring. * * *

[Address: Hillsborough.][1]

Midshipman Peter Umstead Murphey to Dr. Victor Moreau Murphey.[2]

U. S. S. LEXINGTON Sept. 9th 1831.

Dear Brother

I am much pleased with my situation; though you can *not immagine* the duty allotted to a Midshipman. Owing to the small number of us—(three Lieut. and six Midshipmen—two

[1]Murphey moved to Hillsboro early in this year. He rented Rev. John Witherspoon's house.

[2]A. L. S., in the possession of Mrs. T. O. Chestney, of Macon, Ga., daughter of Capt. Murphey. Peter Umstead Murphey (1810-1876),

Midn. in a watch—the first Lieut. is invested with the whole power of the ship; therefore he keeps no watch—and all of us Midn. are allotted to the three other Liuts.—therefore we allways perform duty with the same man. I have had the good luck of being chosen by one of the finest men abord the ship. He has taken a great likeing to me—and spends much of his time in instructing me. We have about three hours during th day to read.

I will now give you a discription of our duty while we are at sea. We keep four hours watch at a time;—and for an officer to sleep on his watch is death as you have th charge of hundred and fifty men, and ther lives at stake. Frequently I have been on duty when every soul except the helmsman, and two men at th bows of the ship. When the weather is fine the Lieut. of my watch leaves the deck in charge to me and I am *proud* to *say* its not the case with the other Midn. abord, though ther are others who have been manny years in the service.

I will now give you a discription of a squall we were in. It was in the 5th degree south Lat. 18° W. Long. I had just left the Deck and had fallen in to a sweet sleep (as I can asure you sleep to a Midn. is very sweet) when the sound of th whistle of the Boat-swain struck my ears; All hand to reef Top Sails. In a case of that kind we are allowed five minutes to make our appearances on Deck. I immeadiately perceaved there was a severe squall, by the motion of the Ship as I turnd out of my

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son of Judge Murphey, studied at the Bingham school and, for a short time, at the University of N. C.; was appointed midshipman in the U. S. navy, May 12, 1831, and lieutenant in 1846; served in the Mexican war; resigned April 21, 1861, and entered the Confederate navy; was stationed at Norfolk until its evacuation in 1862; served in North Carolina waters; and commanded the gunboat *Selma* in the Battle of Mobile Bay, where, after a stubborn fight, he surrendered to overwhelming numbers. He was one of the most handsome, polished, and chivalrous men in the navy, and familiarly called "Captain Pat." After the war he lived in Mobile. He left two daughters and one son, who are still living.—*Mobile Daily Register*, Aug. 14, 1876, July 24, 1897; *Official Records of the Union and Confederate Navies*, series I, vol. IV., pp. 402, 403; *ibid.*, series I., vol. 21, *passim;* J. T. Scharf, *History of the Confederate States Navy* (New York, 1887), pp. 550, 555, 575, 576, 578-579, 596; J. E. Jouett, "Incidents of Farragut's Great Fight," in *Success* (New York), July, 1901, pp. 905-907; *Third Reunion of the 7th Regt. Vt. Veteran Volunteers, held at Rutland, Vermont, March 10, 1891* (Troy, N. Y., n. d.), pp. 25-37.

hammock, and just as I rushed up th Steerage hatchway a wave broke over th sides and I was wet from head to foot, and it was so dark you could not see ten feet before you. Lanterns were immeadiatly placed about th Deck; as I was among th first of th Midshipmen on Deck I was sent in the main Top to see the sail well reefed but I must confess I never was so much alarmed in my life as I never heard the wind blow so hard, and it was with much difficulty I could hold on to th riging. The squall lasted about ten minutes after the sails were reefed when we were piped down. Two hours after, All hands were again called, at that time th Capt. was much alarmed about our situation our canvass beeing of cotton and new it was with much difficulty we could take in sail. We had to send down our Fore-Main and Mizen Top Gallant Yards, and Royals. During the squall we lost three men from the Main-Top Sail Yard. We were up all night but during the night I had th misfortune of falling out with one of my mess mates; *as* each Midshipman has his regular station about the ship in a case of this kind; and a certain number of men allotted to each. He was a young man from the North, and as most of them are from *there,* they take great pains to insult us, as Southerners. Therefore it is considered a gross insult for to interfere with another mans business on duty. This man came on th quarter Deck and gave orders to act contrary to my orders. I requested him to leave the Deck and attend to his own business, when he remarked he would have satisfaction. So next morning, while at breakfast, he remarked: that the Southerners were a dam set of fools, when I immeadiately threw a cup of coffee in his face. He left the table and the Steerage and challenged me; I remembered what papa told me the last morning I was in Hillsboro but my Dear Brother there is no alternative but to resent such things. So on our arival at this place, we were to settle the affair. So on yesterday morning we left the ship in the market boat. Our Capt. was absent and we left the Ship without suspicion armed with Ships pistols. We saild down the bay for three miles and landed on the Beach. We agreed to fight the ten paces. The first fire my pistol did not go off; his ball pass through the right breast of my jacket; he has been engaged in several duels, and very *lucky.* I told him I was not contented,

and would take another fire when my second turned in and cleaned my pistol. At eight we were ready for a second fire. When the word was given we both fired. My ball pass through his right arm. I received no injury, when he acknoledged he was satisfyed. I must confess I was sorry for him after it had hapened, as he sent for me and said he had deserved what he had receaved. I assisted him into the boat and put off for Sloop. The Capt. had just arived, on board when we got there. The officer of the Deck enquired what was the matter, and reported it to the Capt. Immeadiately the matter was enquired into. Th young Gentleman acknolledged he was in th fault, when he the Capt. consented if th affair would go no farther, he would take no notice of it. We have consented to do so. He seems at this moment in much pain. His arm is badly fractured, though th Surgeon thinks he will recover in a few weeks. Please say nothing about the affair as I do not wish it to be known in N. *Carolina.* I would not have papa to hear of it for any thing in the world.

St Salvadore is built on th Bays of All-Sts. Th City presents a beautiful appearance from where we lay. It is built on th side of a very steep hill. It contains a hundred and fifty thousand inhabitants. Th Streets are very narrow and dirty, though there are some beautifull buildings in the city. Our Consul lives in beautiful place directly on the hill. There are one hundred and fifty Monasterys and nunrys in th place; they are most splendid buildings here all of them surrounded by very high walls, and th windows are of iron grateings. There are many Franciskians Friars here, and five thousands Preasts. You may see them any where about th streets at sun set; and at day break they go to Mass. It is one of th most ridiculous sights I ever saw. * * * You would feel sorry to see the poor negroes here those who are slaves. Each man has a different mark; you will see them with there faces all scared up, some with there hands, and all with there hair cut as close as it is possible. They present the most pitiful aspect in the world.

There are some of the finest horses here in the world. For there best they ask twenty five dollars a peace; but it is impossi-

ble to get one to the U. States. We took a short ride in the country this morning, where we saw many noblemen riding in there coaches and six, some eight horses—; we saw some of th handsomest country seats in the world; fine orange groves and Lemmons, and all large trees are Cocanut. The hole side of the hill on which the city is situated, is coverd with th Orang Lemmon and Banana, trees. All Saints-Bay is one of the finest harbours in the world. It is as smooth as a mill pond.

For the last three days there has been a general rejoicing in memory of there independence, which was given on the seventh day of Sept. At twelve oclock on the sixth night they commenced sending up sky rockets firing of bombs. At two they commenced ring of bells. At day break there was seven hundred large bells all ringing at once. Some churches have eight some ten bells each and as I was not acustomed to any thing of the kind, I was much amazed. * * * I stayed untill I was disgusted, and left there. My fine coat is now brushing, and my sword a cleaning to go to a ball at the Consuls this evening, and the Brig leaves here in the morning. You must excuse bad writing. Give my love to the family.

I have also written to Papa. P U M.

Oct. 11th 1831
RIO DE JANIERO

It affords me much pleasure to state to you that the report of the loss of Frigate Gueriere is all false, as we expect her here every day as saild of th tenth of last month. One thing more. The Vandalia leaves here this evening, for the United States. I send my letters by the ship Constitution a regular store from Norfolk to this place every six months. So you will have a fine chance of writing to me often.

I remain your affect brother
P U M

I spend all of my time in reading and writeing in my jurnal. I shall commence a private jurnal next week which I will send you as I shall have more time to write in it than I have had to write to you. I shall write to Dr. Williamson on our arival at Rio.

Dr. Vanhorn begs to be rembered to you, an old acquaintance

of yours at Philadelphia. He is a very Gentlemanly man. He spoke of writing to you but I do not know whether he has or not.

But the last request I have to make is do not mention anything about my affair. Burn this letter as soon as you can make out half of it, as it is impossible to make out all, and that affair would almost kill papa. I would not of mention it but I was afraid you would hear it, as things of this kind fly like chalf before the wind. I have not time to write another word.

P U M

Tell Cate Ruffin I will send her one of th finest head dresses she ever saw, also Nancy Scott, by the first good opportunity. The ladies here were them. Altogether they are made out of the feathers of th birds of the country. They are made at th Convent of St. Antonio.

Dear Brother I would give any thing in the world for you to see th Church of the jesuits; the front is three hundred feet. The length I cant tell exactly, though I should suppose six or seven hundred feet all of solid marble. It has five rows of windows in front. Th inside is indiscribable; almost the hole inside is gilted and all the images of all the Apostles placed about th church; in front is Christ on the cross and the blood trickling down his side.

I will send the children some toys when we arive at Rio. Write me word what Alexander is doing or what he intends to do. Tell him for godsake to do something. He will see the nesesaty of it when it is too late. I will write to him when I have time. I have been wet for four days and at this time feel very bad. Fail not to write to me.

P. U. M.

N. B On thing I liked of forgotten. We have one of the finest bands immaginable. There are eighteen in it, and most of them play on th Claronet, and French horn. I was much amused one night after a party we acompanyed th Miss Roburas home with our band playing Hail Columbia; the ladies all go to parties in Sedan chairs carryed by two negroes. They are very handsome. You will find an acount given of them in th Encyclopedia though perhaps not by that name; but Cordara.

You find dozens of them all along the streets for persons to ride up the hill to th hotel; for which they charge two cents, or one Vinton of there money.

We take our band to every party we go to; I will purchase you one of their claronets and send you as they are superior to any I ever saw in the United States. Tell Cornelia I will send her a box of Music of the first Waltzs in the world.

To Rev. Theodore Shulz.[1]

HILLSBOROUGH 30th. Nov. 1831.

Dear Sir.

Several years ago, the General Assembly passed an Act authorizing me to raise by *Lottery* $15,000. to enable me to prosecute the History of this State. I made an ineffectual attempt to sell tickets, and then offered the Lottery for sale to some of the Northern Brokers. They declined the purchase in consequence of the smallness of the sum, saying it was no object with them to engage in a small Lottery. Lately Messrs. Yates & McIntyre of New York, have agreed to take charge of my Lottery and to draw it upon commission. They are to commence the drawing in the spring. This Lottery will, in this way, yield me about $12,000. I have petitioned[2] the General Assembly to enlarge the sum. They will probably do so, and enable me to raise $20,000.

I have resolved upon the understanding entered into with Messrs. Yates & McIntyre, to establish myself in life, it having pleased Almighty God to restore me again to health; and for this purpose I have purchased a house and lot in this place. To effect the purchase, I had to promise the payment of the first instalment almost immediately, and I ventured to make the promise under the hope that I could get some aid from you. I would neither make the purchase nor ask you for a further loan, if I had not the certainty through Messrs. Yates & McIn-

[1]A. L. S., in the Moravian Archives at Winston-Salem, N. C.
[2]This petition is printed in vol. II, pp. 361-363.

tyre of getting the money during the next year. I have other ways of getting the money during the year; but I regard this as most certain. You must not think I intend to impose upon your generosity: I assure you I do not, and that I will not trouble you by any other request of this sort, until I pay you what you have already loaned and what I now ask for. I pray you to lend me $500. or as much thereof as you can. I enclose a Bond for that sum. Send it enclosed in a letter by the first mail. You will, in so doing, contribute very much to *set me up* again in the World. I hope the crisis of my ill-fortune is past; as I now have the prospect of good health and of a reasonable competence. I feel grateful to Heaven for this prospect.

I shall look for a letter from you by the mail of Friday. What time in next month will it suit best for me to be in Salem? I will stay a day or two and give you minute instructions on all your business with General Wellborn, and write the sheriff's deed for you.

Truly

Your obliged friend

Rev. Theodore Shults. A. D. MURPHEY.

To Judge Ruffin. RUFFIN MSS.

HILLSBOROUGH. 21st. Dec: 1831.

Dear Sir.

* * * * * * * * * * * * *

I have been geting better ever since I was at your House. Pain has left me almost entirely. I am stiff in my Joints and will probably continue so, Untill Warm Weather comes on. I have shut myself up in a Room since my Return from the Circuit, and shall remain there during the Winter. I hope this cold Weather will not continue much longer. Every body seems to suffer from it.

My Love to the Family.

Affecy.

Judge Ruffin. Yours.

[Address: Hermitage.] A. D. MURPHEY.

To Dr. James Webb. M. MSS.[1]

My Dear Friend.

I accept your New Years Gift with Gratitude for your kind Remembrance of an old Friend,[2] and for having selected upon the Occasion that Book which contains the Words of Eternal Life, and the Religion which brought Life and Immortality to Light. I accept the Book with Reverence for its Sublime Morality and pure Religion: a Religion that deals in no Abstractions; but addressing itself to the Feelings brings Comfort in the Hour of Distress, Resignation in times of Affliction, Fortitude when Adversity comes upon us, and at all times spreads over the Mind that Contentment which is true Wisdom. I will keep this Book as long as I live, keep it near me, and read it with Renewed Diligence.[3]

I tender to you and your good Family the Compliments of the Season, and pray you to believe me to be

Your Affectionate Friend.

HILLSBORO'. A. D. MURPHEY.

3d. January 1832:

Dr. James Webb.

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[1]Copy by Murphey written on the fly-leaf of a copy of the New Testament printed in 1830.

[2]They were class-mates at Chapel Hill.

[3]The *Fayetteville Observer* of Feb. 4, 1832, contains the following obitnary notice, copied from the *Raleigh Register:*

"In Hillsborough, on the 1st. inst., ARCHIBALD D. MURPHEY, Esquire, after a lingering illness.

"For several years, oppressed by the accumulated weight of misfortune and severe affliction, Judge Murphey has in a great degree been withdrawn from the public view. He had originally an engaging person and most fascinating manners, was a man of genius and a fine scholar. From 1814 to 1819, he was the most prominent Statesman in North Carolina, and perhaps there has been no individual, at any period of our history, possessed of such unlimited legislative influence as he had acquired and retained, from the commencement of the unfortunate attempts at the internal improvement of the State, until the partial failure of his plans gave a shock to public confidence.

"In the Spring of 1819, he went upon the bench of the Superior Court, where he remained about two years, we believe, with high reputation for legal learning, dignified deportment, exemplary patience and promptness in the discharge of his official functions.

"As a writer, his character is well known, and the highest compliment that can be paid to his memory is a reference to his works. For some years previous to his death, he was supposed to be engaged

To Bartlett Yancey.[1]

HILLSBOROUGH, 8 Dec., 1823.

Dear Yancey:

For several years past I have been projecting a work on North Carolina, to embrace her History, Views of her Climate, Soil, Literature, Legislation, Manners, etc., etc. I have collected Materials for two Volumes of the Work. It was my Wish to prepare a Work which would reflect some Honour on the State, and to preserve from Oblivion Facts in Our History that would be interesting to Our Posterity. Such a Work will fill five or six Volumes. It was my Wish to ornament the Work with Portraits of our most eminent Men, if they could be procured, and with Maps of the State, of several of the Counties, etc. After a Correspondence with Booksellers, I find that they are of Opinion, little or no Profit is to be expected from a Voluminous Work, the Fashion and Taste of the Times being for Compilations, Epitome, and Abridgements. And as to a Catchpenny production, it would do no Honour either to the State or the Writer, and it could not embody that Information which, if it be worthy of being preserved, must now be done, or it will be entirely lost.

I am too poor to encounter the expense and lose the Time which would be required either to collect the Materials or arrange them. I should have to purchase the Materials in the hands of Francis X. Martin, travel over the State once or twice, go to Kentucky and spend several Months with Governor Shelby, and probably go to other States to see other men. I should have to spend at least a Year in Raleigh examining

in preparing for publication, a history of North Carolina, which was looked for with much anxiety. How far he had progressed in its execution we have not been informed.

"We have written these hasty remarks, because we were unwilling to announce the demise of an individual, who, for a long period of time, occupied so large a space in the public eye, without some reference to his history. His townsmen will doubtless do ample justice to his memory, and to them we look for his biography."

[1]From *The James Sprunt Historical Publications*, X. (1911). No. 2, pp. 36-38, which was not seen until after this work was printed. Bartlett Yancey (1785-1828), studied law in Murphey's office in 1807, after teaching school for two years and studying a short time at the University. He was a distinguished lawyer; representative in Congress, 1813-1817; and speaker of the State Senate, 1817-1827.—Ashe, ed., *Biog. Hist. of N. C.*, VII. 503-509.

the public Records and making extracts from them. The probable expense, including the Purchase of Materials, would exceed three thousand Dollars. I must necessarily curtail my Practice and have time to devote to this Pursuit.

Will the State aid me in this Work? It will be a National one, and I could not expect much from Individuals. As I have at all times unbosomed myself to you freely and confidentially, I will Submit to you the following propositions and leave the Subject to your Discretion. I will prosecute this Work with diligence and complete it, if the State will

1. lend me $10,000. for eight or ten years, free from Interest, the Payment to be secured by a mortgage of real estate.
2. pay the expense of engraving the Portraits, Maps, etc.
3. Give me access to the Public Records.

I have addressed a Letter to my Friend Mr. A. Moran on this Subject, and if you feel any Interest in it, I beg you to confer with him, and determine upon the Course which should be pursued. The Money and time which I have heretofore spent in the public Service, have contributed in a considerable degree to my ruin, and Prudence forbids my again embarking in it without a Certainty that I would not Sustain a Loss. As to making a Profit from it, I would not expect it.

Yours truly and affectionately,

A. D. MURPHEY.

[Enclosed in the foregoing letter.]

Whereas it is desirable that the History of North Carolina should be written and published in a style becoming the Character of the State; and Whereas without the Patronage and aid of the General Assembly Such a Work cannot be expected,

Resolved, that the Speakers of the two Houses of this General Assembly be and they are hereby requested and authorized to contract on behalf of the State with a suitable Person to write and publish the History of North Carolina; and to draw on the Treasurer for Such Money as may be necessary to carry this Resolution into effect; and their Draft shall be a Voucher for him in the Settlement of his accounts.